

EXHIBIT 11

Page 1

3/30/2023 - Young America's v Stenger - Preston Scagnelli

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

YOUNG AMERICA'S FOUNDATION, BINGHAMTON UNIVERSITY COLLEGE
REPUBLICANS and JON LIZAK, President of the College
Republicans of Binghamton University,

Plaintiff,

v

Index #: 20-CV-822 (LEK/ML)

HARVEY STENGER, President of SUNY Binghamton,
in his Official and Individual Capacities; BRIAN ROSE,
V.P. for Student Affairs of SUNY Binghamton, in his
Official and Individual Capacities; JOHN PELLETIER, Chief
of SUNY Binghamton U.P.D., in his Official and Individual
Capacities, COLLEGE PROGRESSIVES, A Student Organization
at SUNY Binghamton; PROGRESSIVE LEADERS OF TOMORROW
"PLOT", Student Association of Binghamton University
Defendants.

X

DEPOSITION OF: PRESTON CARTER SCAGNELLI

DATE: March 30, 2023

TIME: 9:01 a.m. to 12:40 p.m.

VENUE: Webex

Reported by Annette Lainson

 **COPY**

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2 APPEARANCES:

3 FOR THE PLAINTIFFS:

4 KING & SPALDING, L.L.P.

5 BY: KIMBERLY WADE, ESQ.

6 1185 Avenue of the Americas

7 New York, New York 10036

8

9 FOR DEFENDANTS HARVEY STENGER, BRIAN ROSE and JOHN

10 PELLETIER:

11 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL

12 BY: JOHN MOORE, A.A.G.

13 The Capitol

14 Albany, New York 12224

15

16 FOR DEFENDANTS STUDENT ASSOCIATION OF BINGHAMTON

17 UNIVERSITY:

18 ASWAD & INGRAHAM, ATTORNEYS AT LAW

19 BY: THOMAS A. SAITTA, ESQ.

20 46 Front Street

21 Binghamton, New York 13905

22

23 FOR DEFENDANTS BINGHAMTON UNIVERSITY:

24 BINGHAMTON UNIVERSITY

25 BY: KEVIN HAYDEN, ESQ.

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2 4400 Vestal Parkway

3 Binghamton University, Suite 614

4 Binghamton, New York 13902

5

6 ALSO PRESENT:

7 DANIEL S. CROCE, Student Association Representative

8 MATT JOHNSON, Student Association Representative

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2 I N D E X O F P R O C E E D I N G S

3 PRESTON CARTER SCAGNELLI: Sworn

4 Direct Examination by Mr. Moore 10

5 Cross Examination by Mr. Saitta 196

6 Redirect Examination by Mr. Moore 208

7

8

9 R E Q U E S T L I S T

10 . Mr. Moore requests copies of emails relevant to 37
11 case from Binghamton.edu address

12 . Mr. Moore requests copies of Group Me messages 39

13 . Mr. Moore requests copies of flyers for College 40
14 Republicans

15 . Mr. Moore requests copy of Resignation email 45

16 . Mr. Moore requests a copy of scheduling emails 56
17 that post-date Laffer Event

18 . Mr. Moore requests list of speakers at meetings 64

19 . Mr. Moore requests Contact information for Brian 82
20 Murray

21 . Mr. Moore requests copies of emails to Raj 86

22 . Mr. Moore requests copy of the Laffer Flyer 101

23 . Mr. Moore requests a copy of 11/21/2019 1:51 p.m. 121
24 email from John Restuccia showing quoted text hidden
25

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2 . Mr. Moore requests copies of all Emails forwards 122
3 to Gmail account from John Restuccia
4 . Mr. Moore requests any emails Re: Not Obtaining 127
5 a Permit for Free-Speech Purposes from two separate
6 email addresses
7 . Mr. Moore request Deponent to search and provide 128
8 copies of any emails referencing a prior tabling
9 event

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2 E X H I B I T I N D E X

3 Marked as

4 Described as

5 Defendant's One 16

6 Verified Complaint

7 Defendant's Three 90

8 11/21/2019 email, Re: B there room approved, 014-LH-M

9 Defendant's Seven 112

10 10/25/2019 email, Re: College Republican's Event

11 Defendant's Nine 117

12 11/21/2019 email, Re: Dr. Laffer Event

13 Defendant's Eleven 97

14 11/21/2019 email, Re: Even approve, Dr. Arthur

15 Defendant's Twelve 146

16 Official Statement by J. Restuccia, RE: 11/14/2019

17 Defendant's Sixteen 121

18 11/21/2019 Email Re: Room-request Talk

19 Defendant's Seventeen 135

20 Photo of tabling event

21 Defendant's Nineteen 154

22 Message from Vice President B. Rose, RE: 11/14/2019

23 Defendant's Forty 110

24 Plaintiff's Response to Defendant's first set of

25 Interrogatories

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2 Defendant's Forty-three 70

3 Defamation and Prejudice, a Reflection on 2019

4

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2 STIPULATIONS

3 It is HEREBY STIPULATED by and among the attorneys
4 for the respective parties, in accordance with the Federal
5 Rules of Civil Procedure, that this deposition may be
6 taken by the Defendant at this time, pursuant to subpoena;

7 FURTHER STIPULATED, that all objections except as to
8 the form of the questions and responsiveness of the
9 answers, be reserved until trial;

10 FURTHER STIPULATED, that the witness may read and
11 sign the deposition and make any corrections to same
12 before any Notary Public;

13 AND FURTHER STIPULATED, that if the original
14 deposition has not been duly signed by the witness and
15 returned to the attorney taking the deposition by the time
16 of trial or any hearing in this cause, a certified copy of
17 the deposition may be used as though it were the original.

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2 (The deposition commenced at 09:01

3 a.m.)

4 THE REPORTER: .

5 We're on the record.
And before I swear the witness in, if I could just

6 get the attorneys to note their appearance for the
7 record, please?

8 MR. MOORE: Sure. This is John Moore
9 from the New York State Attorney General's Office,
10 representing Defendants, Stenger, Rose and Pelletier.

11 MR. SAITTA: Tom Saitta with Aswad and
12 Ingraham, representing the Student Association.

13 MS. WADE: I'm Kimberly Wade with King
14 and Spalding, representing the Plaintiffs.

15 THE REPORTER: Thank you.

16 If I could get the witness to please
17 raise his right hand?

18 Do you swear or affirm that the
19 testimony you're going to give is the truth, the
20 whole truth, and nothing but the truth?

21 MR. SCAGNELLI: Yes.

22 WITNESS; PRESTON SCAGNELLI; Sworn

23 THE REPORTER: Okay. You can put your
24 hand down. Could you please state and spell your
25 full name for the record, please?

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2 THE WITNESS: My name is Preston

3 Carter Scagnelli, spelled P-R-E-S-T-O-N, my middle

4 name Carter, C-A-R-T-E-R, last name Scagnelli, S-C-A-

5 G-N-E-L-L-I.

6 THE REPORTER: Thank you.

7 The witness has been sworn.

8 MR. MOORE: Thank you.

9 DIRECT EXAMINATION

10 BY MR. MOORE:

11 Q. Good morning, Mr. Scagnelli. My

12 name is John Moore, as I stated earlier. I'm an

13 Assistant Attorney General with the A.G.'s Office in

14 Albany, and I'm representing the Defendants, Stenger,

15 Rose, and Pelletier in this litigation.

16 We're here for a deposition in the

17 matter of Young America's Foundation, et al, versus

18 Stenger, et al. This is a lawsuit in the Northern

19 District of New York. The C.V. number is twenty C.V.

20 eight twenty-two.

21 Are you familiar with this lawsuit,

22 sir?

23 A. I read of couple articles on it,

24 yes.

25 Q. Okay. Is there any reason you

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2 can't testify honestly to the questions I'm asking
3 you today?

4 A. I'm going to testify honestly.

5 Q. Okay. Have you ever been
6 involved in giving testimony before today?

7 A. You mean like a deposition?

8 Q. Like a deposition, or a trial, or
9 in any other context?

10 A. No, sir.

11 Q. Okay. So this is your first
12 civil deposition?

13 A. Yes.

14 Q. All right. So let's go over the
15 rules, just so we have that clear. The way it's
16 going to work is we have a stenographer here
17 recording my questions and your answers. And to that
18 end, I'm going to be asking you questions; you're
19 going to be giving me answers. I will do my absolute
20 best to try not to interrupt you while you are giving
21 me an answer.

22 And if you could do the same while I'm
23 asking a question, even if you know how I'm going to
24 finish the question. Sometimes you'll anticipate it
25 before I finish it. We can't talk at the same time.

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2 Otherwise, our stenographer will yell at us and we
3 won't have a clear record. So let's make an effort
4 to do that.

5 At some point during the deposition,
6 your -- your attorney may make an objection. Unless
7 she instructs you not to answer, that generally
8 doesn't mean you shouldn't answer. She's just
9 preserving the record for purposes of trial.

10 And if you don't understand my
11 question or, I know we're doing this remotely, if you
12 can't hear my question, just let me know, and I'll --
13 I'll rephrase it or restate it until you can hear it.

14 We're not looking for you to guess
15 about anything. We're not looking for you to talk
16 about anything you don't know. What we're looking
17 for here is what you do know. So if you don't know
18 something or you can't remember something, it's
19 perfectly fine to tell me. And finally, if -- you
20 can make your answers verbal rather than nodding or
21 shaking your head or saying things like, uh-huh.

22 And finally, if you need to take a
23 break, please let me know. I'll just ask that you --
24 you finish answering whatever the pending question
25 is, and then we can take a break for whatever reason.

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2 Is that all clear?

3 A. Understood.

4 Q. Okay. Thanks. Your name is
5 Preston Scagnelli. Have you ever gone by or used any
6 other names?

7 A. No, sir.

8 Q. Okay. And what's your date of
9 birth, Preston?

10 A. March 9th, 2001.

11 Q. Okay. What's your current
12 address as you sit here today?

13 A. [REDACTED] That's three
14 separate words. So [REDACTED]. And that is
15 in [REDACTED].

16 Q. Okay. And how long have you
17 lived there?

18 A. Since 2005. Almost, you know,
19 most of my life, so.

20 Q. Okay. Is that -- who do you live
21 with there?

22 A. My parents.

23 Q. Okay. And is it your -- strike
24 that.

25 Did you review any documents to

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2 prepare for today's deposition?

3 A. No, sir.

4 Q. Okay. I should probably ask you
5 this, but did you get copies of the exhibits we're
6 going to be asking you about here today?

7 A. No.

8 Q. Okay.

9 MR. MOORE: Counsel, did you receive
10 those exhibits?

11 MS. WADE: We did.

12 MR. MOORE: Okay. But he -- the
13 witness hasn't -- doesn't have them?

14 MS. WADE: No, he doesn't. We can
15 share them with him now, if that'd be helpful.

16 MR. MOORE: Okay. I'm just trying to
17 find out, so we can make sure that Annette has them
18 and she's able to put them on the screen.

19 THE REPORTER: I do have them.

20 MR. MOORE: Okay. Fair enough.

21 BY MR. MOORE: (Cont'g.)

22 Q. And here I'm not asking you about
23 the attorneys that are representing the College
24 Republicans here, but other than attorneys, have you
25 discussed your testimony with anyone before today, or

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2 today, before the deposition started?

3 A. I informed my parents, like I
4 said, who I -- who I live with, that I would be
5 having a deposition today relating to the Arthur
6 Laffer incident, but that was all I told them.

7 Q. Okay. Have you discussed this
8 lawsuit or depositions that preceded yours with any
9 current or former members of the Binghamton
10 University College Republicans?

11 A. I haven't discussed anything
12 relating to depositions with them. Obviously, after
13 the whole Arthur Laffer event occurred, I was
14 informed that there was a -- a lawsuit that was
15 taking place. But that was all I was ever informed
16 of, to my knowledge.

17 Q. Okay. You've -- you've
18 referenced a couple times the Dr. Laffer event. Are
19 you referring to the -- the event at which the
20 College Republicans invited Dr. Arthur Laffer to
21 speak at Binghamton University on November 18, 2019?

22 A. That is correct.

23 Q. Okay. And is it your
24 understanding that this lawsuit involves that, Dr.
25 Laffer event?

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2 A. Yes.

3 Q. And are you also aware that this
4 lawsuit involves a November 14, 2019 event at which
5 the College Republicans had a tabling event on the
6 Binghamton campus?

7 A. Yes.

8 Q. Okay. Were you present at that
9 tabling event?

10 A. So yes, but it was before the
11 whole thing with the -- the -- the protestors
12 occurred.

13 Q. Okay. We'll -- we'll get into
14 that then. That also happened in November 2019. Is
15 that correct?

16 A. I honestly can't remember the
17 exact date, but that timeframe makes sense. It was
18 before the Arthur Laffer event.

19 Q. Okay. Fair enough.

20 MR. MOORE: Could we put the first
21 page of Exhibit One up on the screen? And Annette,
22 we'll be -- you know, as you probably know, we'll be
23 returning to this one throughout the deposition.

24 BY MR. MOORE: (Cont'g.)

25 Q. And sir, I just want to show you

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2 what -- the first page of what's been marked as
3 Defendant's Exhibit One -- Exhibit One. And we'll
4 put the caption up there, so you can see it. I'll
5 state that this is the verified complaint in this
6 matter for docket number twenty C.V. eight twenty-
7 two. Do you recognize that document, sir?

8 A. I have not read through this --
9 this whole thing. I don't know if this was the same
10 one that I saw shared on, you know, the news articles
11 covering this, you know, whole lawsuit. But I never
12 read through the whole thing, no.

13 Q. Okay. Fair enough. That was my
14 next question. I think we've established that --
15 that the allegations in this complaint concern, in
16 part, incidents that occurred on or about November
17 2019. So going back to addresses, can you tell me
18 what addresses you've lived at from fall 2019? And
19 by that, I mean fall semester 2019, up until today?

20 A. Yeah. So I was residing on
21 campus at the time at the Dickinson Community, which
22 is a residential community at Binghamton University.
23 That -- that was not my official registered address,
24 however. I was still like registered to vote at my
25 home that I provided earlier.

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2 I honestly do not remember the exact
3 room number I stayed at on campus.

4 Q. That's okay. I'm just -- I'm
5 just curious about where you resided at the time.
6 But you lived in a dorm on campus. Is that a fair
7 statement?

8 A. Yes, correct.

9 Q. Okay. Got you. All right. You
10 can go on. Is there anywhere else you've lived
11 between fall semester 2019 and today?

12 A. No, sir.

13 Q. Okay. Got you. And when did you
14 live -- for what semesters or for what time period
15 did you live on campus?

16 A. Yeah, so that fall 2019 semester,
17 that was actually my first semester at Binghamton
18 University. And then the first, I'd say, you know,
19 half of the spring 2020 semester before Covid sent
20 everybody home.

21 Q. Okay. So you lived on campus
22 until approximately February or March 2020 when the
23 pandemic hit; correct?

24 A. Correct.

25 Q. Did you ever become a campus

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2 resident again?

3 A. No, sir.

4 Q. Did you ever live in Binghamton
5 again or at any other address other than your mom and
6 dad's house in Rexford?

7 A. No.

8 Q. Okay. Got you. Are you married?

9 A. No.

10 Q. Do you have any children?

11 A. No.

12 Q. Are you currently employed?

13 A. Yes.

14 Q. Where are you employed?

15 A. Project Veritas, it's a
16 journalism organization.

17 Q. How do you spell Veritas?

18 A. V-E-R-I-T-A-S.

19 Q. And what do you do there?

20 A. I am an investigative journalist.

21 Q. Okay. And is that a website or a
22 magazine or what is it?

23 A. We are a 501(c)(3) organization
24 that exposes corruption, fraud, waste, abuse, in
25 pretty much, you know, every facet of society, so you

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2 know, government education. I mean, we cover a wide
3 variety of stuff.

4 Q. Okay. Are you a writer?

5 A. No, not necessarily. I'm an --
6 so as part of my investigative journalism, I
7 essentially interview sources and -- and insiders
8 who, you know, want to either blow the whistle or
9 shed light on things going on in their workplace.
10 And I, you know, provide that to my editorial team
11 and -- and they turn that into a story.

12 Q. Okay. Now when you say story,
13 I'm just trying to ferret this out. So when you say
14 story, is it a written story that's published on a
15 website or in a magazine or -- or in a newspaper? Or
16 is it a video story or something else?

17 A. Yeah, so it's -- it's primarily
18 video. I mean, we have a writeup that usually goes
19 with every video on our website, and you know,
20 usually on our posts when we spread the video, but
21 our primary medium is -- is video.

22 Q. Okay. Got you. And how long
23 have you worked for Project Veritas?

24 A. Since around May or June of 2020.

25 Q. Okay. And are you paid for that

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2 job?

3 A. Yes -- yes. I started out as an
4 independent contractor and then, just last year, I
5 was switched over to a full-time employee.

6 Q. Okay. So you're on the staff,
7 then?

8 A. Yes.

9 Q. Got you. Have you ever been
10 involved in production of, or preparation of, or
11 investigation regarding the -- anything to do with
12 the facts of this lawsuit?

13 A. No, sir.

14 Q. And does -- have you ever been
15 involved in any sort of -- and I'm going to say
16 story, but I don't know if that's the right term,
17 about any of the parties to this lawsuit?

18 MR. MOORE: And if we could just
19 scroll down, so the entire caption is visible to the
20 witness, including the list of Plaintiffs?

21 A. So -- so you're asking just to --
22 sorry, to clarify. Have I done as part of my job as
23 a journalist at Project Veritas on any stories or
24 anything related to these individuals or this lawsuit
25 in general?

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2 BY MR. MOORE: (Cont'g.)

3 Q. Yes. First question, this law --
4 lawsuit in general or the facts behind it?

5 A. No, sir.

6 Q. Okay. And then, there's some
7 Plaintiffs listed here. Young America's Foundation,
8 Binghamton University College Republicans, and Jon
9 Lizak. Have you ever done any stories that involve
10 any of those three Plaintiffs?

11 A. No, sir.

12 Q. Okay. And then we have a list of
13 Defendants there. And those are Harvey Stenger,
14 Brian Rose, John Pelletier, College Progressives,
15 Progressive Leaders of Tomorrow, and Student
16 Association of Binghamton University. Have you ever
17 been involved in producing, investigating, or
18 otherwise being involved in any story that involved
19 any of those Defendants?

20 A. No, sir.

21 Q. Okay. Thanks. Let's go back to
22 your -- your -- you were a student at Binghamton
23 University in fall of 2019. Is that how I'm
24 understanding your prior testimony?

25 A. Correct.

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2 Q. And you were a freshman in your
3 first semester during that semester?

4 A. Yes -- yes.

5 Q. Okay. Are you currently a
6 student?

7 A. No. I graduated in December.

8 Q. When you say you graduated in
9 December, are you referring to December 2022?

10 A. Correct.

11 Q. And what institution did you
12 graduate from in December 2022?

13 A. Binghamton University.

14 Q. Okay. Got you. So you started
15 in the fall 2019. You finished in December 2002
16 (sic). Did you attend Binghamton University
17 consistently, meaning every semester during that time
18 period between fall '19 and December 2022, or did you
19 take any time off?

20 A. I did not take any time off. In
21 terms of my education, I -- there were semesters
22 where I did not take courses at Binghamton
23 University. I took them at other institutions and
24 then transferred the credits over.

25 Q. Okay. Got you. So let's talk

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2 about what semesters you were a student at B.U.

3 A. Okay. So there was the -- those
4 first two semesters, so 2019 -- fall 2019, spring
5 2020. Then this is where things get fuzzy for me. I
6 believe -- I think it was maybe a semester or two
7 after that, I took courses online through Binghamton
8 University.

9 And then Binghamton University
10 required students to come back to campus. By that
11 point, I had already had senior standing. So they
12 were, thankfully, flexible enough to allow me to
13 finish the courses at other institutions online and
14 transfer.

15 Q. Okay. Well, let's try to break
16 that down. You finished spring 2020 semester online.
17 Is that a fair statement?

18 A. Correct.

19 Q. Okay. And -- and my
20 understanding from earlier testimonies in this case
21 is that the entire student body was sent home when
22 the pandemic began and everybody finished online;
23 correct?

24 A. Correct.

25 Q. Did you take classes during

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2 summer 2020?

3 A. No.

4 Q. Okay. Did you take classes at
5 Binghamton University, online in fall of 2020?

6 A. Yes.

7 Q. Okay. So you were still a
8 student at B.U. in fall 2020?

9 A. To my knowledge, yes.

10 Q. Okay. But you were at home,
11 taking classes remotely?

12 A. Correct.

13 Q. Okay. And then how about spring
14 of 2021, were you a student at B.U.?

15 A. I honestly don't recall. It is
16 possible.

17 Q. Okay. Would you have any
18 documents that refresh your recollection as to that?

19 A. I could certainly -- you know, we
20 -- we have -- there's an online portal, it's called
21 like B.U. Brain or something like that, where I
22 could, you know, check and see. But as for, you
23 know, up here in my brain, I -- I don't remember when
24 exactly I stopped taking courses at, you know,
25 Binghamton University online.

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2 Q. Okay.

3 MR. MOORE: Counsel, is -- is the
4 witness requesting that he review and execute his
5 transcript?

6 MS. WADE: I think that he is
7 referring to the online portal where he can check his
8 attendance.

9 MR. MOORE: I -- I -- I heard that.
10 But I mean, as a general proposition, when we're done
11 with our deposition here today, is the witness making
12 a request under the federal rules of civil procedure
13 to review and execute his transcript?

14 MS. WADE: Yes.

15 MR. MOORE: Okay.

16 BY MR. MOORE: (Cont'g.)

17 Q. If that's the case, Mr.
18 Scagnelli, we can leave a blank in the transcript for
19 you to answer the question, were you a student at
20 B.U. in spring 2021. Is that fair? _____

21 A. That is fair.

22 Q. And then maybe you could refresh
23 your recollection and -- and complete what's called
24 the errata sheet and tell us whether you were or not.
25 Is that fair?

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2 A. Fair enough.

3 Q. Okay. So then, we're on to the
4 summer of 2021. Did you take classes then?

5 A. Again, I'm -- possible, but not
6 confident enough to where I can give a factual
7 answer.

8 Q. Okay. We'll -- we'll leave
9 another blank in the transcript here, and then maybe
10 if you can fill us in on that once you've had a
11 chance to refresh your recollection, I'd appreciate
12 it. Moving on from that, we're into the fall of
13 2021. Did you take classes at B.U. then? _____

14 A. Same thing.

15 Q. Okay.

16 A. I can't factually recall that.
17 Possible, but I can't recall.

18 Q. And then you were -- you
19 graduated in December 2022?

20 A. Yes.

21 Q. And were you a student at B.U.
22 during any of the calendar year 2022?

23 A. No. That -- that, I can say. I
24 took online courses at other institutions and then
25 transferred the credits over to Binghamton.

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2 Q. Okay. Fair enough. And then an
3 overarching question, after you left campus in
4 February or March 2020, whenever that was, did you
5 ever return as a student, physically on campus, at
6 B.U. after March of 2020?

7 A. No.

8 Q. Okay. Got you. All right. I
9 think I understand now. Where else did you take
10 classes other than B.U. that contributed to your
11 graduation?

12 A. SUNY Empire State, SUNY
13 Plattsburgh, Arizona State University Online. I -- I
14 think that's it.

15 Q. Okay. All right. During your
16 time at Binghamton University, were you a member of
17 the Plaintiff Binghamton University College
18 Republicans?

19 A. Yes.

20 Q. Okay. And if I just refer them -
21 - to them as the College Republicans from here on,
22 you'll know what I'm referring to?

23 A. Yes.

24 Q. Okay. When did you join the
25 College Republicans?

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2 A. That was during my fall 2019

3 semester, my first semester. The exact month, I

4 would imagine, September because that was when a lot

5 of the clubs on campus were, you know, getting

6 started. So September 2019 would be sort of my

7 ballpark estimate.

8 Q. Okay. Great. How -- how -- how

9 did you come to join that -- that group?

10 A. I saw a notice, I don't remember

11 where, that they were having a meeting. I have been

12 involved in politics before, so I thought it'd be a

13 good opportunity to meet people and get involved on

14 campus. So I decided to, you know, attend the

15 meeting and check it out.

16 Q. And that was in September of that

17 year?

18 A. I believe so, yeah.

19 Q. Okay. Did you meet people there?

20 A. Yes.

21 Q. Who did you meet?

22 A. Are you talking about that first

23 specific particular meeting?

24 Q. Well, yeah, during September of

25 2019, did you join the group at that meeting?

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2 A. Well, I don't know if there was
3 any official membership, but yeah, that was when I
4 start attending meetings, yes.

5 Q. Okay. And how often were
6 meetings held by the B.U. College Republicans in fall
7 2019?

8 A. I'd say probably once a month, if
9 I remember correctly.

10 Q. Okay. And would you attend all
11 of those meetings or just some, or what was your --
12 what was the frequency of your attendance at those
13 meetings?

14 A. I attended most of them.

15 Q. Okay. Got you. Was there --
16 were you ever an officer of the B.U. College
17 Republicans?

18 A. Yes.

19 Q. Okay. And what offices -- office
20 or offices have you held with that organization?

21 A. So shortly after I hold -- I held
22 a, I guess you could call it an unofficial role
23 because it wasn't something that I believe appeared
24 on the list of executive officers, but I was given
25 the role of -- it was -- I honestly can't remember

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2 the exact name. It was something along the lines of
3 speaker coordinator or something like that. I held
4 that.

5 And then I was briefly treasurer for
6 the spring 2020 semester, briefly.

7 Q. Okay. Did you hold any other
8 offices with the College Republicans, other than
9 treasurer in spring 2020 and speaker coordinator?

10 A. No, sir.

11 Q. And when were you -- when did you
12 have the role of, quote, unquote speaker coordinator?

13 A. That -- so that was just kind of
14 given to me like in conversation. They were just
15 like, hey, you know, paraphrasing here, we -- you
16 know, we -- we want to give you some sort of role.
17 So you know, we'll -- we'll -- we'll -- how does
18 speaker coordinator sound or something like that?

19 And from there, I was -- you know, I
20 guess that role, that was probably around -- around
21 the same time, I'd say, probably September, October
22 of 2019.

23 Q. Okay. When you say they gave you
24 the title, who are they?

25 A. That would be the club president

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2 at the time, John Restuccia.

3 Q. Was anyone else involved in
4 telling you, you would have that role?

5 A. I do not think so.

6 Q. Okay. What were your duties as
7 speaker coordinator?

8 A. There were no official duties,
9 really. The -- the idea was -- was essentially, or
10 so I was told by Mr. Restuccia, is that, you know, he
11 -- he liked to make sure that, you know, the people
12 who -- who worked hardest in the club and stuff like
13 that were recognized and -- and kind of given titles,
14 you know, to -- to sort of give them -- you know,
15 sort of appreciate that -- the -- the work that they
16 did.

17 So I was given that role. As for my
18 official titles, I mean, I really just helped out the
19 club. Nothing in really my involvement really
20 changed with that title. At the end of the day, it
21 was pretty much a title, you know.

22 Q. Understood. Did you -- did you
23 actually do anything in your role as speaker
24 coordinator? I think you might have touched upon the
25 answer to that, but I just want to be sure. I mean,

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2 did you -- did you undertake any duties in your role
3 as speaker coordinator?

4 A. I -- I helped with some of the
5 events. I don't know if necessarily my -- you know,
6 if my role as speaker coordinator was, you know,
7 linked with my helping out in those events the way I
8 did. But you know, I -- I -- I certainly helped
9 with, you know, setting up the events and -- and
10 getting all that squared away, yes.

11 Q. Okay. Well, we're going to get
12 into the specifics of events. I won't ask about that
13 now, but I'm just asking you about the role. Speaker
14 coordinator seems to suggest that you have some sort
15 of involvement with speakers?

16 A. That -- that is -- that is
17 correct. That -- that would be the -- the -- the
18 sort of implication that that title would create.
19 However, I -- again, I -- I don't see it, at least
20 personally, as having affected the sort of things I
21 did to help out with the club.

22 Like I said, the -- the -- the club
23 president at the time, John Restuccia, gave people,
24 you know, titles to kind of, you know, reward them
25 for working hard. But at the end of the day, we all

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2 worked as a -- you know, a team doing -- really
3 everyone doing the same job and doing their part to,
4 you know, help the -- the -- the club.

5 Q. Did you have any role in
6 coordinating the appearance of speakers on campus
7 during your time with the College Republicans?

8 A. In terms of -- do you mean like
9 inviting speakers?

10 Q. Sure. I'm -- I'm -- I don't know
11 what you did, so I'm trying to understand.

12 A. Okay. I mean, I'll -- I'll -- I
13 -- I can give some examples. You know, there was one
14 speaker that I -- I -- I can say that I personally
15 invited to campus that was a woman named Morgan
16 Zegers, who came to speak at an event we held prior
17 to the Arthur Laffer event, called The Case Against
18 Socialism.

19 We had a few guest speakers there. I
20 happened to, you know, know one of them personally,
21 so I invited them to -- to attend the event. I also
22 made flyers for the events, like The Case Against
23 Socialism, like the Arthur Laffer event. I made
24 these, you know, little flyers that had the people's
25 pictures on them, the title of the event, that sort

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2 of stuff.

3 And really, you know, just that was --
4 as far as speaker-related things, to my knowledge,
5 that's what I remember, you know, my involvement
6 being in that.

7 Q. Okay. All right. We'll get a
8 little deeper into that. Let me ask you this. How
9 many members did the College Republicans have when
10 you joined the group?

11 A. That first meeting, I would
12 estimate, based on what I saw, probably fifteen to
13 twenty people. That number would constantly
14 fluctuate in terms of, you know, how many people
15 would consistently show up. But at -- at the time of
16 that first meeting, I'd say it was probably fifteen
17 to twenty people.

18 Q. Okay. And when you say it
19 fluctuated, what was the maximum number of -- of
20 members that the group had during the fall semester
21 of 2019, if you know?

22 A. I don't know.

23 Q. Okay. Fair enough. Did the
24 group, meaning the College Republicans, have any mode
25 of communication with which group members

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2 communicated with each other?

3 A. It was -- it might have been a
4 Listserv, which is essentially just like an email
5 list where they would, you know, share info about
6 next meetings. I'm pretty sure that's what we did.
7 And we may have had a GroupMe, which was essentially
8 -- it's a chat messenger app that a lot of clubs in
9 the school used to, you know, communicate with club
10 members. And I believe there was one of those, too.
11 I can't confidently enough say, though.

12 Q. Okay. Did you participate in
13 that Listserv with any email addresses that you --
14 address or addresses that you maintained?

15 A. As in like did I send anything?

16 Q. Well, did you receive emails
17 through that Listserv?

18 A. I -- I -- I believe -- I believe
19 I did, yes.

20 Q. And on what email address did you
21 receive such emails?

22 A. That would've been, more than
23 likely, through my Binghamton University school
24 address -- email address.

25 Q. Okay. And what was your

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2 Binghamton University school address?

3 A. That was pscagne two, which is
4 spelled P-S-C-A-G-N-E, followed by the number two, at
5 Binghamton dot E.D.U.

6 Q. Okay. Do you still maintain
7 access to that email address?

8 A. I still have access to that email
9 address, yes.

10 Q. I'm going to make a request on
11 the record to Counsel. I'll follow up by email, and
12 ask that you search your -- your Binghamton email
13 address and provide copies of any emails relevant --
14 and I'll -- I'll specify in my request, relevant to
15 the facts of this case from the time period relevant
16 to this case. Are you able to do that?

17 A. I'm sorry. Are you speaking to -
18 - to me or my counsel?

19 Q. I'm speaking to you. I'll --
20 I'll write to your counsel, but I'm -- I'm just
21 asking if that's something you're able to do. Are
22 you able to search your Binghamton E.D.U. email
23 address?

24 A. I have -- I have the ability to
25 access my Binghamton University email. That is

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2 correct.

3 Q. Okay. Did you -- did you utilize
4 any other email address for any business related to
5 the -- business or communication related to the
6 College Republicans?

7 A. I don't know.

8 Q. Okay. The GroupMe chats is --
9 you also said that the College Republicans involved
10 themselves in that?

11 A. Again, I -- I -- I -- I know a
12 lot of clubs use that service. I think we may have
13 at one point, but I -- I don't recall.

14 Q. Did you utilize the GroupMe or --

15 A. I had an account to, yeah.

16 Q. -- ask to send emails or
17 messages? Did you use the GroupMe format to
18 communicate with other College Republican members?
19 Let's ask that.

20 A. I believe so, yes.

21 Q. Do you still have access to that
22 GroupMe?

23 A. I would have to check. I haven't
24 accessed it since, I think, you know, shortly maybe
25 after I -- I left campus. It's -- it's been -- it's

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2 been a while.

3 Q. Okay. Well, I'll make a similar
4 request to that and I will follow up with your
5 attorneys for copies of any GroupMe messages related
6 to the facts of this case. And I'll specify what I'm
7 looking for in that request. Fair enough? Okay.
8 Thanks.

9 In your capacity as speaker
10 coordinator, did you maintain any or create any
11 records for the College Republicans?

12 A. Could you elaborate on records?

13 Q. Well, did you have a
14 responsibility of preparing any documents in your
15 capacity as speaker coordinator?

16 A. Well, I -- I mean, I -- I guess
17 you could say that the flyers I made for the events
18 were documents. They were, you know, files, but that
19 -- that, you know, I've -- forgive me, but I feel
20 that's a very broad question. I don't know if I
21 could really, you know, kind of pinpoint really what
22 in the way of documents.

23 Q. Okay. Well, let me first ask
24 about flyers. Do you maintain copies of the flyers
25 you created as a College Republican?

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2 A. I do not know.

3 Q. Okay. That would be in your
4 email. Is that fair to say?

5 A. They could be in my email.

6 Q. Okay. All right. Well, I'll
7 make a request that you provide copies of any flyers
8 and I'll follow up by letter. Flyers that you
9 created for the College Republicans or received from
10 others for the College Republicans?

11 Secondly, at these meetings you
12 attended during your time with the group, were there
13 minutes kept by anyone?

14 A. I don't think so, no.

15 Q. Okay. Do you recall anybody
16 keeping notes or anything else as it pertains to
17 those meetings?

18 A. I don't recall there being
19 someone taking notes.

20 Q. Okay. All right. Sticking with
21 the College Republicans, did you continue to attend
22 meetings with that group in spring 2020 before the
23 pandemic made learning remote?

24 A. I had attended meetings in the
25 spring 2020 semester, yes.

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2 Q. How many meetings did you attend
3 in the spring 2020 semester?

4 A. I -- I don't have a -- a -- a,
5 you know, number really. I -- I don't know how many
6 meetings.

7 Q. Were they in-person meetings?

8 A. Yes.

9 Q. Before the pandemic?

10 A. Before the -- before the pandemic
11 sent everyone home, yes, they were -- they were in-
12 person meetings.

13 Q. And was it more than five
14 meetings?

15 A. Possibly. I -- I don't know.

16 Q. Was it more than one meeting?

17 A. Yes.

18 Q. Was it more than three meetings?

19 A. I don't know.

20 Q. And then my understanding is you
21 never returned to campus after the pandemic hit;
22 correct?

23 A. Correct.

24 Q. Did you attend any remote
25 meetings of the Binghamton University College

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2 Republicans after spring 2020 and the pandemic?

3 A. I don't think so, no.

4 Q. Okay. Did you continue your
5 membership with that group after the pandemic?

6 A. No.

7 Q. Okay. So after you went home,
8 you didn't -- you had no involvement with the College
9 Republicans? Is that a fair statement?

10 A. To my knowledge, yeah, to --
11 yeah, no, I -- I do not think I had any involvement
12 with the College Republicans after that point.

13 Q. Okay. Got you. Okay. And the
14 final set of, sort of background questions, you were
15 the club treasurer during spring 2020, up to and
16 including the pandemic?

17 A. I was treasurer up until -- I'd
18 say it was before the pandemic sent everyone home. I
19 -- I resigned from the position.

20 Q. Okay. Got you. What were your -
21 - when did you become treasurer? There's been some
22 past testimony in this case that there was an
23 election in December 2019?

24 A. Correct.

25 Q. And were you elected treasurer at

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2 that election?

3 A. Yes, I believe so. It was that
4 meeting.

5 Q. So you started as treasurer in
6 December 2019, and then you resigned upon going home
7 after the pandemic commenced. Is that a fair
8 statement?

9 A. Before -- before -- just slightly
10 before, I believe.

11 Q. Okay. All right. Got you. All
12 right. So as treasurer beginning in December of '19,
13 what were your duties?

14 A. Honestly, I -- there was nothing
15 really that -- that -- that changed between then, you
16 know, as far as my duties went. Honestly, at that
17 point, I believe that that was after the club had,
18 pretty much -- you know, our -- our club president,
19 John Restuccia, he was -- he was gone.

20 I mean, he was a big driving, you
21 know, force of a lot of the positive things that the
22 club was doing, in my opinion. And you know, with
23 the -- the school, you know, sort of, in my opinion,
24 limiting our ability to -- to function on campus, it
25 -- there -- there wasn't really much for me to do, if

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2 anything, as my role as treasurer.

3 Q. What do you mean by the school
4 limiting your ability to do anything on campus?

5 A. I was -- I was -- I was told by -
6 - by club leadership, and I believe we even made a
7 Facebook post about it as well, that the -- the
8 University limited our ability to access rooms to --
9 to have our club meetings. And at that point, I
10 mean, that was a -- that was a big -- big blow, at
11 least that I felt to -- to -- to the club and the --
12 the organization.

13 Q. Do you know who at the University
14 made the decision to limit your access to rooms?

15 A. Who at the -- the University?

16 Q. Yeah. You said the University
17 did it. Who at the University did that, if you know?

18 A. I -- I am not sure.

19 Q. Okay. All right. You said you
20 resigned as treasurer at some point?

21 A. Correct.

22 Q. And this was before Binghamton
23 University went remote?

24 A. Correct.

25 Q. Okay. So there's been some

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2 testimony that the University went remote in either
3 February or March. So do you remember what month you
4 resigned?

5 A. I think it was February.

6 Q. Okay. And when you resigned in
7 February 2020, how did you resign?

8 A. Via email.

9 Q. Okay. And do you maintain a copy
10 of that email?

11 A. That would have been sent, more
12 than likely, through my Binghamton University email,
13 which, like I said, I -- I -- I have access to so --
14 so long as everything's still in there. It -- it --
15 yeah, it -- it should still be in there.

16 Q. Okay. I'm going to make a
17 request for the resignation email while you're
18 searching through emails for that. Is that okay?

19 A. Yeah.

20 Q. Okay. Thanks. Now, on to the
21 next question. Why did you resign?

22 A. I had some personal disagreements
23 with the -- the direction the club was heading under
24 new leadership. It -- it -- it wasn't -- it wasn't
25 personal in the sense that there was animosity or

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2 anything like that. I just felt the direction that
3 the club was going in did not align with my, you
4 know, personal beliefs and where the club should be
5 going.

6 So I figured it would be best to
7 separate myself at that time.

8 Q. You said club leadership. What
9 was -- other than yourself as treasurer, who else was
10 in club leadership at that point in February 2020?

11 A. It was Jon Lizak, who I believe
12 was -- was president. And then I believe the vice-
13 president at the time was Logan Blakeslee, I think.
14 And then secretary, I believe was Kyle Nelson.

15 Q. Okay. What about the direction
16 of the group did you disagree with?

17 A. Jon -- Jon Lizak's politics were
18 a lot different than mine, and I personally believe
19 that that was starting to bleed into the club, his --
20 his politics. And it -- it -- it just did not align
21 with my -- my -- you know, my politics as a
22 Republican.

23 Q. Well, what about his politics did
24 not align with yours, if any?

25 A. He -- he -- he held very -- I

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2 mean, if -- if -- if I personally had to assign a
3 label, I'd say it was, you know, he was more paleo
4 conservative in his beliefs, which meant, you know,
5 he was very hardcore about, you know, bringing
6 religion into the, you know, like the -- the -- the
7 state and -- and -- and that sort of stuff.

8 At least that was my take on -- on --
9 on a lot of his views. It's just -- it -- I'm -- I'm
10 personally a more, I guess you could say moderate,
11 you know, Republican and I just felt it was a little
12 too -- too -- too right for me, personally, to -- to
13 the right.

14 Q. All right. Okay. Well, we'll
15 get into a little further of that. Were there any
16 particular incidents that prompted your resignation?

17 A. No, not that I can think of.

18 Q. Were there any particular
19 decisions about direction of the group that prompted
20 your decision to resign?

21 A. I don't recall.

22 Q. Did anything to do with the
23 lawsuit that we're currently litigating have to do --
24 factor into your decision to resign?

25 A. No.

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2 Q. Okay. Let's go to the complaint.

3 And I'm going to direct your attention to paragraph
4 twelve of the complaint. And this is located at page
5 four of seventy-five. And I know you haven't read
6 this, but these are the allegations in the complaint.
7 So I'm going to run them past you and ask you some
8 questions. Is that fair?

9 A. Okay.

10 THE REPORTER: I'm sorry; what
11 paragraph?

12 MR. MOORE: Paragraph twelve. You got
13 it right up there.

14 THE REPORTER: Thank -- thank you.

15 BY MR. MOORE: (Cont'g.)

16 Q. And I'll read this into the
17 record, sir. This is from Exhibit One, paragraph
18 twelve. Plaintiff Binghamton University College
19 Republicans, and in parentheses, the words College
20 Republicans, is an expressive, registered, but
21 suspended student organization at the State
22 University of New York at Binghamton, SUNY
23 Binghamton, and an unincorporated association of SUNY
24 Binghamton students. It has approximately twenty
25 members.

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2 Did I read that correctly, sir?

3 A. Yes.

4 Q. Do you know if the B.U.

5 Republicans are currently suspended as student group?

6 A. I do not know their current
7 status.

8 Q. Do you know if that group was
9 suspended as of July 2020 when this complaint was
10 filed?

11 A. I do not recall.

12 Q. Were you involved with the
13 College Republicans in July of 2020?

14 A. No.

15 Q. Okay. Let's go to paragraphs
16 thirteen and fourteen, which are located at -- at
17 pages four and five of Exhibit One. And I will read
18 those into the record for you. It reads as follows.

19 Thirteen, the purpose of College
20 Republicans is to make known and promote the
21 principles of the Republican Party among members of
22 the SUNY Binghamton campus and community, to aid in
23 the election of Republican candidates at all levels
24 of government, to encourage and assist in the
25 organization and active fundraising of the Republican

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2 Party at local, state, and national levels, and to
3 develop political skills and leadership abilities
4 among Republican students as preparation for future
5 service by them to the Republican Party and
6 community.

7 Did I read that correctly, sir?

8 A. For the most part. I noticed you
9 said active fundraising. That third line down, it --
10 it says functioning, but other than that, that --
11 that -- that's correct.

12 Q. Okay. I didn't realize I said
13 that, but you are correct. It says, active
14 functioning of the Republican Party. Did I -- is
15 that your understanding of what the purpose of this -
16 - of that student group was?

17 A. Yes.

18 Q. Okay. And let's go on to
19 paragraph fourteen. And that reads College
20 Republicans achieves this purpose primarily by being
21 an expressive organization. It engages in a wide
22 variety of expressive activities, including posting
23 flyers and signs, hosting tables with information,
24 inviting speakers to campus, and talking with fellow
25 students about Republican Party principles.

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2 Did I read that correctly?

3 A. Yes.

4 Q. Okay. From the time you joined

5 the -- the B.U. Republicans in approximately

6 September of 2019, up to and including November of

7 2019, when the Dr. Laffer event occurred, had the

8 B.U. Republicans hosted or held any event or events

9 on campus? And I know you referenced at least one.

10 A. Yeah. So there was the -- the

11 only one I can recall at this time is the -- The Case

12 Against Socialism event, which I mentioned earlier.

13 Q. Okay. And my understanding is

14 that occurred sometime in late October of 2019. Is

15 that your recollection, sir?

16 A. I believe so, yes.

17 Q. Okay. And do you maintain any

18 records regarding that event?

19 A. Probably. I -- I know you

20 mentioned the -- the -- the flyer, like I think I

21 have access to that. I mean, there was -- there was

22 a lot of prep that went into that event. So I'm sure

23 there's something relating to that event, just, you

24 know, hanging around somewhere.

25 Q. Okay. Where on campus was the

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2 event held?

3 A. That was held in, I believe, the
4 lecture hall.

5 Q. Okay. Do you know what lecture
6 hall?

7 A. I don't -- I don't remember the
8 name. It was the one that was next to, I believe,
9 the engineering building. It was where a lot of the
10 -- it was where like a lot of the -- the liberal arts
11 classes held there, their -- their classes, the big
12 lecture halls with, you know, hundred seats --
13 hundred plus seat rooms.

14 Q. How many people attended The Case
15 Against Socialism event?

16 A. I'd guess probably thirty or so
17 as an estimate.

18 Q. And was that an evening event?

19 A. I believe so, yes -- yes.

20 Q. Were there -- you said there were
21 speakers, earlier?

22 A. Yes.

23 Q. How many speakers?

24 A. Three speakers.

25 Q. Okay. Did the University act to

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2 prevent that event at all that you're aware of?

3 A. Not to my knowledge.

4 Q. Were there any other events that
5 you recall before the Dr. Laffer event that the
6 College Republicans held?

7 A. In terms of like a speaker-hosted
8 event, no.

9 Q. Okay.

10 A. Not that I can recall.

11 Q. Well, I'm not just asking about
12 speakers because that's another thing that's listed
13 in paragraph fourteen, but we -- we can move on.

14 I'll be more specific. Since the Dr.
15 Laffer event, from November 2019, up until your time
16 with the -- as a -- your involvement with the College
17 Republicans ended, did the B.U. Republicans host or
18 hold any event or events on campus?

19 A. No, I don't think so.

20 Q. Did the College Republicans hold
21 meetings at all after the Laffer event?

22 A. Yes, unofficial meetings.

23 Q. Okay. What do you mean by
24 unofficial?

25 A. Well, as in, you know, it's not

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2 like we could advertise that there were meetings,
3 officially, through the, you know, University page or
4 anything like that, because obviously they suspended
5 us. So we just had our own, you know, little
6 meetings.

7 Q. And how were those organized?

8 A. How were they organized in terms
9 of --?

10 Q. Well, you got to tell people
11 about the meeting; right?

12 A. Yeah.

13 Q. So did you use the GroupMe chat
14 to communicate that, hey, we're having a meeting at
15 this date?

16 A. I believe so.

17 Q. Okay. And you already talked
18 about how many meetings there might have been during
19 spring 2020 before you left; right?

20 A. Yeah.

21 Q. Do you know how many meetings
22 occurred -- how many meetings the College Republicans
23 held from the date of the Dr. Laffer event through
24 the end of the semester?

25 A. I don't know.

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2 Q. Okay. There was one that an
3 election was held; correct?

4 A. Yes.

5 Q. And you were elected treasurer;
6 right?

7 A. Yes.

8 Q. Were there any other meetings,
9 other than that one, after the Laffer event?

10 A. Probably like the -- the -- the --
11 -- the one, two, maybe three. I -- I -- again, I
12 don't have an exact number, but there were a few
13 meetings after the -- the -- the Art Laffer event,
14 yeah.

15 Q. Okay. And where were those
16 meetings held?

17 A. I honestly don't remember the
18 exact location.

19 Q. Does any paperwork exist
20 regarding scheduling of those meetings, including
21 emails?

22 A. I don't think so.

23 Q. Well, I'm going to ask that in --
24 in your email search and your GroupMe search that you
25 -- if you find any scheduling emails that post-date

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2 the Laffer event and your -- during your involvement
3 with the College Republicans that you provide those,
4 as well.

5 And from the time you joined the
6 College Republicans in -- in September of 2019, up to
7 and including November of 2019, and I think you
8 referenced this before, had the B.U. Republicans
9 posted flyers or signs on campus?

10 A. I'm sorry; did you say before the
11 Laffer event or after?

12 Q. Before the Laffer event.

13 A. Yes -- yes. We made flyers and
14 stuff like that.

15 Q. Okay. How many times -- how many
16 and for what purpose?

17 A. I know, to my knowledge, at least
18 ones that I made, there were two flyers, the one for
19 The Case Against Socialism and the one for the Art
20 Laffer event. I don't recall there being any other
21 flyers, but those.

22 Q. Did the group create flyers to
23 promote College Republican meetings?

24 A. I don't think so.

25 Q. Okay. And after the Laffer

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2 event, were you involved in creating flyers of any
3 sort?

4 A. I don't think there were any
5 other -- sorry.

6 Q. That's okay. My -- my question
7 was, basically, were you involved in -- were you
8 aware of the College Republicans creating any flyers
9 for any purpose after the Laffer event?

10 A. I don't recall there being any
11 flyers after the Arthur Laffer event.

12 Q. Okay. Did the College
13 Republicans attempt to create any flyers after the
14 Laffer event?

15 A. I don't believe so.

16 Q. Okay. This paragraph --
17 paragraph fourteen also mentions hosting tables with
18 information. Do you see that?

19 A. Yes.

20 Q. From the time you joined the
21 College Republicans in September of 2019, up to and
22 including the Dr. Laffer event, had the B.U.
23 Republicans hosted any tables with information?

24 A. Yes.

25 Q. Okay. And how many times?

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2 A. I think two.

3 MS. WADE: Objection.

4 MR. MOORE: Sorry. Did somebody say
5 something?

6 MS. WADE: I said objection, calls for
7 speculation.

8 MR. MOORE: Okay.

9 BY MR. MOORE: (Cont'g.)

10 Q. I'm just asking for your personal
11 recollection, sir. I'm not asking you to speculate.
12 So you recall two tablings?

13 A. I can -- and as far as the
14 purpose of the tabling goes, I can only recall one.
15 However, I believe there might have been a second
16 one.

17 Q. Okay. What is the one you
18 positively remember?

19 A. The one prior to the Arthur
20 Laffer event.

21 Q. Was that a November 14th, 2019
22 tabling on the Spine?

23 A. Yes, I believe that's the one.

24 Q. Okay. And I will ask you further
25 questions about that, but let's go to the other one.

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2 You said you believe there may have been one other

3 tabling?

4 A. Possibly, yes.

5 Q. Okay. What is your recollection

6 of that?

7 A. There honestly is none.

8 Q. Why do you think there might have

9 been a tabling?

10 A. I -- I just -- I just -- I just

11 kind of remember there being more than one, but I

12 don't remember what the context was of the other one.

13 I know -- I know it was before the -- the Laffer or -

14 - or before the one mentioned prior to the Laffer

15 event, the one that's mentioned in the -- the

16 complaint. It was before that, but I -- I don't

17 remember really what the tabling was for.

18 Q. Okay. Are you aware of something

19 called U-Fest?

20 A. Yes.

21 Q. Or University Fest? Do you know

22 what U-Fest is?

23 A. That's where all the clubs, I

24 believe, advertise themselves so that students can

25 get more information about them.

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2 Q. Do they utilize tables for that?

3 A. There was a table for the College
4 Republicans for that, yes.

5 Q. Is that what you're thinking of
6 here, the other tabling?

7 A. It's possible.

8 Q. Okay. Can you give us any other
9 information about another tabling that the College
10 Republicans had during fall 2019?

11 A. No.

12 Q. And do you know if the College
13 Republicans obtained a permit for any tabling in fall
14 of 2019?

15 A. No.

16 Q. Okay. In other words, you don't
17 know or they didn't?

18 A. I don't think we did.

19 Q. Okay. But just to be clear,
20 you're not aware of any other tabling other than the
21 November 14th one; correct?

22 A. To my recollection, I don't
23 recall any other tabling.

24 Q. Okay. Got you. All right.
25 After the Dr. Laffer event and until the present

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2 time, are you aware of the B.U. Republicans hosting
3 any table with information?

4 A. No.

5 Q. Are you aware of the College
6 Republicans attempting, at any point after the Dr.
7 Laffer event, to host a table with information?

8 A. No.

9 MS. WADE: Objection, calls for
10 speculation.

11 BY MR. MOORE: (Cont'g.)

12 Q. Again, I'm just asking what you
13 know, sir. Is the answer no?

14 A. I do not recall, no.

15 Q. Okay. Well, is the answer you
16 don't recall or -- or you -- you don't -- do -- do
17 you have any idea whether the B.U. College
18 Republicans hosted any tables with information after
19 Dr. Laffer's event?

20 A. No, I don't -- I don't think
21 there was any.

22 Q. Okay. Got you. Just trying to
23 understand; that's all. This also references hosting
24 speakers on campus, inviting speakers to campus?

25 A. Yes.

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2 Q. Prior to the Dr. Laffer event, is
3 the only event you're aware of that the College
4 Republicans brought a speaker to campus at, was that
5 The Case Against Socialism?

6 A. Yes.

7 Q. Were there ever any other
8 speakers that you're aware of that the College --
9 that the College Republicans hosted before Laffer,
10 involving speakers?

11 A. There were speakers that would
12 attend meetings. They weren't events, but they would
13 like attend the meetings just to like talk to the
14 College Republicans.

15 Q. Okay. How many times did that
16 happen?

17 A. I can think of three separate
18 scenarios where we had guest speakers go into the
19 actual College Republican meetings.

20 Q. Okay. What was the -- what are
21 those three? You can list them and tell me when they
22 occurred, if you recall.

23 A. The first, I believe was Michael
24 Vasquez. He appeared, I think it was like October or
25 sometime around then. I think it was all -- it all

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2 happened relatively, you know, around the same, you
3 know, few months' span. I'm pretty sure it was all
4 fall 2019. But it was Michael Vasquez. It was
5 George Phillips, and it was -- I don't remember this
6 woman's name, but she was like a pro-fracking
7 activist.

8 Q. Okay. And did those all occur
9 before the Laffer event or did any of them occur
10 after the Laffer event?

11 A. I'm pretty sure they were all
12 before the Laffer event.

13 Q. Did the College Republicans
14 invite any speakers to attend meetings after the
15 Laffer event?

16 A. I don't think so.

17 Q. During spring of 2020, did the
18 College Republicans host any speakers on campus
19 during your involvement with the group?

20 A. I -- I'm not aware of any
21 speakers that came after the Art Laffer event.

22 Q. Okay. How about Senator Thomas
23 Reed? Did he appear on campus at the behest of the
24 College Republicans in January 2020?

25 A. Yes, but not as a speaker in that

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2 sense.

3 Q. Okay. He simply came to campus?

4 A. He -- he came to campus, I
5 believe, and then he attended a meeting with us and -
6 - and University officials.

7 Q. Okay. We'll talk about that
8 later. During the spring semester of 2020, did you
9 have any other speakers at meetings?

10 A. I don't think so.

11 Q. Okay. And certainly, if you can
12 come up with any, we'll leave a blank in the
13 transcript because I know you'll be going through
14 your emails and perhaps that will refresh your
15 recollection. Is that fair? _____

16 A. That's fair.

17 Q. Okay. Going back to the caption,
18 you don't have to put it up on the screen if you
19 don't want to, but it's a name we've already talked
20 about, Jon Lizak. Do you keep in contact with Mr.
21 Lizak?

22 A. No.

23 Q. When's the last time you spoke
24 with him?

25 A. I would have to say it was

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2 February, maybe March. It -- it was before the
3 pandemic sent people home.

4 Q. Was it before you resigned as
5 treasurer?

6 A. It -- no, it -- it was -- it was
7 after I resigned, like shortly thereafter, I think.

8 Q. And what was the subject matter
9 of your conversation, after you resigned, with Mr.
10 Lizak?

11 A. He -- he just kind of, you know,
12 asked me to, you know, stay on as -- as -- as
13 treasurer. And I -- I politely told him that I -- I
14 -- I couldn't.

15 Q. Okay. Did anything else occur
16 during that conversation?

17 A. I don't think so.

18 Q. Have you ever discussed the
19 lawsuit with him?

20 A. No, I don't think so.

21 Q. Was your last conversation with
22 him in approximately March 2020?

23 A. As -- as far back as I can think,
24 yes, that was my last conversation.

25 Q. Okay. Do you know Lacey

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2 Kestecher?

3 A. Yes.

4 Q. And who is Lacey?

5 A. Lacey was a member of the
6 Binghamton University College Republicans. I -- she
7 -- she was a -- a friend of mine during my time, you
8 know, working there. I'm not sure what other info
9 there would be to say about her.

10 Q. Okay. When's the last time you
11 spoke with her?

12 A. I think it's at least been a
13 year.

14 Q. And have you ever discussed this
15 lawsuit with her?

16 A. Again, I -- I -- I don't think
17 so.

18 Q. Okay. Do you know who Reign Bey
19 is? And that's spelled R-E-I -- I'm sorry; strike
20 that.

21 Let's -- let's stick with Mr.
22 Restuccia. You spoke with him -- you spoke about him
23 before. When's the last time you spoke with John
24 Restuccia?

25 A. Yesterday.

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2 Q. And what was the subject matter
3 of your conversation yesterday?

4 A. Just to catch up and chat where,
5 you know, I -- I consider him my best friend. So we
6 talk, you know, probably every other day.

7 Q. Okay. Did John ever tell you
8 about his testimony in this case?

9 A. No.

10 Q. Did you tell him you were
11 testifying in this case?

12 A. No.

13 Q. So he's your best friend and you
14 never discussed the fact that both of you testified
15 in a lawsuit?

16 A. No.

17 Q. Okay. Have you ever discussed
18 this lawsuit with him?

19 A. Again, when the lawsuit first
20 popped up and, you know, was -- people were -- were
21 talking about it, I'm -- I'm -- yeah, he shared it
22 with me, I believe. And -- and we briefly, you know,
23 talked about the lawsuit, but we never -- after that,
24 we never really talked about it, no.

25 Q. Okay. All right. We've been

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2 going for about an hour now, sir.

3 A. Uh-huh.

4 MR. MOORE: Does everybody want to
5 take a five-minute break? Get some coffee, is that -
6 -?

7 MR. SAITTA: That's fine.

8 MS. WADE: That's good.

9 MR. MOORE: It's ten O three right
10 now. Why don't we come back at ten ten, and we'll
11 keep moving? Does that sound good?

12 Okay. Thanks.

13 (Off the record, 10:03 a.m. to 10:12
14 a.m.)

15 THE REPORTER: .
We're on the record.

16 BY MR. MOORE: (Cont'g.)

17 Q. Sir, do you understand that
18 you're still under oath?

19 A. Yes.

20 Q. Okay. I'm going to ask you about
21 some other witnesses who have been identified, either
22 through testimony or in written discovery documents.
23 And the first is a name I mentioned earlier, Reign
24 Bey, and that R-E-I-G-N, Bey is B-E-Y. Do you know
25 Reign Bey?

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2 A. Yes.

3 Q. Who is Reign?

4 A. Reign was the former vice-
5 president of the College Republicans, I believe,
6 until the end of the spring 2019 semester. And --
7 yeah, that's -- that's Reign.

8 Q. Okay. Have you discussed the
9 claims in this case with Reign?

10 A. No.

11 Q. When's the last time you talked
12 to Reign?

13 A. Six to eight months ago.

14 Q. Okay. Did you discuss the
15 lawsuit at all?

16 A. No.

17 Q. And was she at the tabling event,
18 if you know?

19 A. I don't remember if she was at
20 the tabling event.

21 Q. Was she at the Laffer event?

22 A. I don't remember.

23 Q. Okay. Do you know a guy named
24 Spencer Haynes?

25 A. Yes.

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2 Q. Who is Spencer?

3 A. Spencer, he -- I don't think he
4 had any official role at the club. He, you know,
5 attended the meetings, very nice guy. That's really
6 --.

7 Q. So he was a member of the College
8 Republicans?

9 A. He -- he attended meetings, yeah.

10 Q. Okay. When's the last time you
11 talked to Spencer?

12 A. Before the pandemic.

13 Q. Okay. You've never discussed the
14 lawsuit with him, then?

15 A. No.

16 Q. Do you know if he was at the
17 tabling event?

18 A. I don't remember.

19 Q. Do you know if he was at the
20 Laffer event?

21 A. I don't remember.

22 Q. Okay. I'm going to show you
23 what's been marked as Defendant's Exhibit Forty-
24 three. And this was marked for identification in Mr.
25 Haynes' deposition on March 24th. And this is an

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2 article from the Binghamton Review. Do you know what
3 the Binghamton Review is?

4 A. Yes.

5 Q. Were you aware that Mr. Haynes
6 was a writer for the Binghamton Review?

7 A. I don't remember him being a
8 writer, but it's -- it's possible.

9 Q. Okay. Let's scroll down to the
10 second page. So we get the title of this article.
11 It reads, Defamation and Prejudice, a Reflection on
12 2019. If you scroll down a little farther, we'll see
13 the date and the author. And it's dated February 3,
14 2020 by Spencer Haynes.

15 Have you ever read this article before
16 today?

17 A. No.

18 Q. Do you recall this article back -
19 - being released back in February 3, 2020 in the
20 Binghamton Review?

21 A. No.

22 Q. Did you read the Binghamton
23 Review at that time?

24 A. No.

25 Q. Okay. If you go to the bottom of

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2 page three of eight of this article, and it's got a
3 quote. It says quote one, and it says in quotes, we
4 have no reason to join the tabling protest because
5 we're going to do whatever we want anyways.

6 And that is a quote attributed to Taj,
7 T-A-J, Robinson, President of the -- and if you
8 scroll down a little farther, it says College
9 Progressives. And September 2, 2019 is the date
10 attributed to that.

11 Do you know Taj Robinson?

12 A. No.

13 Q. Do you know the College
14 Progressives?

15 A. Yes.

16 Q. What is the College Progressives?

17 A. The College Progressives, to --
18 to -- to -- in my opinion, is the -- well, I mean, I
19 think they pretty much embrace it themselves, but
20 they're the farther left than the Democrat Club group
21 on campus.

22 Q. Okay. I'll read the first couple
23 sentences of this section at the top of page four of
24 eight. It says, in September, the College
25 Republicans were already planning to table without

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2 S.A. permission.

3 Did I read that correctly, sir?

4 A. Yes.

5 Q. Do you know if the College
6 Republicans were planning to table without S.A.
7 permission in September of 2019?

8 A. I'm -- trying to think. I think
9 I recall someone asking once, like, did you get a
10 permit for this? I don't remember who, then someone
11 saying, no. But I -- I'm -- I don't -- I -- I can't
12 think of a particular instance where I'd heard that.

13 Q. Okay. Were you aware that, in
14 September, the College Republicans were planning to
15 table without S.A. permission?

16 A. I'd have to think about that.
17 It's -- I -- that was fuzzy for me.

18 Q. Okay. While you're thinking,
19 I'll read the next sentence. In the opinion of the
20 group, free speech cannot be infringed on public
21 property no matter what form the speech takes. And
22 then the sentence after that reads I thought this
23 issue would be a good opportunity for the Republicans
24 and College Progressives to table together as the
25 Progressives protest more than any other group on

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2 campus.

3 Did I read that correctly, sir?

4 A. Yes.

5 Q. Okay. Do you remember this being
6 discussed at all in September of 2019? And the first
7 question would be do you remember the group talking
8 about, in the opinion of the group, free speech
9 cannot be infringed on public property no matter what
10 form the speech takes?

11 A. I have heard something along
12 those lines, yes.

13 Q. Okay. And is it your recall that
14 that was discussed in September of 2019 amongst the
15 College Republicans?

16 A. I can't assign a date to that,
17 but I -- I do recall hearing something along those
18 lines.

19 Q. Do you remember hearing something
20 along that lines before the November 14th, 2019
21 tabling event?

22 A. Yes.

23 Q. Then, in your -- does that
24 refresh your recollection that the College
25 Republicans had a plan to hold a tabling event

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2 without a permit for that purpose?

3 A. I believe that sentence, the
4 whole free speech cannot be infringed on public
5 property, that was said in the context of a tabling
6 event. Whether it was the deliberate attempt to, you
7 know, do that without S.A. permission, I -- I don't -
8 - I don't remember.

9 Q. Okay. Well, do you know if the
10 College Republicans attempted to get S.A. permission
11 for the November 14, 2019 tabling event?

12 A. I was not aware of any attempt to
13 get a permit.

14 Q. Okay. Do you know if there was
15 discussion of purposefully not obtaining a permit for
16 the purposes set forth in the sentences I just read?

17 A. I was not made aware of any
18 attempt to not get a permit.

19 Q. Okay. And finally, were you
20 aware that an overture was made to the College
21 Progressives to join the tabling?

22 A. I don't remember anything along
23 the lines of a joint tabling.

24 Q. Okay. I'm all set with that. We
25 can move on from that exhibit. Do you know a person

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2 named Sebastian Roman or Roman?

3 A. The name rings a bell, but I
4 can't -- I -- I don't know anyone that I recall with
5 that name.

6 Q. Okay. And that includes in the
7 membership of the College Progressives?

8 A. Yeah. I -- I don't remember
9 knowing anyone with that name. The name does ring a
10 bell, though.

11 Q. Do you know a name Joe
12 Silverstein?

13 A. Yes.

14 Q. Who is Joe Silverstein?

15 A. Joe Silverstein, he rarely
16 attended -- he -- he never really attended any of the
17 meetings. But he did show up a bit prior to -- you
18 know, the -- the Art Laffer event and -- and got
19 involved around that time.

20 Q. So he was a College Republicans
21 member?

22 A. I -- I guess you could call him
23 that, yeah.

24 Q. Okay. Have you discussed the
25 claims in this case with Joe?

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2 A. No.

3 Q. When's the last time you talked
4 to Joe?

5 A. I think it was the night of the
6 Arthur Laffer event.

7 Q. Was he at the tabling event?

8 A. I don't remember.

9 Q. And he was at the Laffer event.
10 Is that a fair statement, based on your earlier
11 testimony?

12 A. Yes -- yes, he was at the Laffer
13 event.

14 Q. Do you know a person name Joe
15 Badalamenti or Giuseppe Badalamenti?

16 A. Yes.

17 Q. Okay. And that's B-A-D-A-L-A-M-
18 E-N-T-I.

19 A. Uh-huh.

20 Q. Who -- who is Joe Badalamenti?

21 A. He was another member of the
22 Binghamton University College Republicans.

23 Q. In the fall of 2019?

24 A. I believe so, yeah.

25 Q. When's the last time you talked

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2 to Joe?

3 A. Probably prior to spring 2020
4 semester, before Covid sent everyone home.

5 Q. Okay. So you never discussed
6 this lawsuit with him?

7 A. No.

8 Q. Was he at the tabling event?

9 A. Possibly. I -- I don't remember.

10 Q. And again, if you don't know
11 something, I don't want you to guess.

12 A. Okay.

13 Q. Was he at the Laffer event?

14 A. I don't remember.

15 Q. Okay. Do you know someone named
16 Dylan Roth?

17 A. Yes.

18 Q. Who is Dylan Roth?

19 A. Dylan Roth was another member of
20 the College Republicans. That's really all I know
21 about him.

22 Q. Was he a member in fall 2019?

23 A. I don't remember.

24 Q. Was he at the tabling event, if
25 you know?

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2 A. I don't remember.

3 Q. Was he at the Laffer event, if
4 you know?

5 A. I don't remember.

6 Q. When's the last time you spoke
7 with him?

8 A. Probably spring 2020, before
9 Covid.

10 Q. So fair to say you never
11 discussed this lawsuit with him?

12 A. No.

13 Q. Do you know his current
14 whereabouts?

15 A. No.

16 Q. Do you know a name, Samuel
17 Kessler?

18 A. Yes.

19 Q. Who is Samuel Kessler?

20 A. He was also a member of the
21 Binghamton College Republicans.

22 Q. Was he a member in fall of 2019?

23 A. I don't remember.

24 Q. Was he at the tabling event, if
25 you know?

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2 A. I don't remember.

3 Q. Was he at the Laffer event, if
4 you know?

5 A. I don't remember.

6 Q. When is the last time you talked
7 to Sam Kessler?

8 A. Spring 2020 semester, before
9 Covid.

10 Q. Okay. So your last contact with
11 him was when you were last on campus?

12 A. Yeah.

13 Q. And you haven't discussed the --
14 the facts of this lawsuit with him?

15 A. No.

16 Q. Okay. Do you know an individual
17 named Brian Murray?

18 A. Yes.

19 Q. Who is Brian Murray?

20 A. Brian Murray was the former
21 treasurer of the Binghamton College Republicans, in
22 the fall 2019 semester. He -- I'm trying to think of
23 -- I -- I think he also did some stuff with College
24 Libertarians, which is a separate group. But yeah,
25 that -- that's Brian Murray.

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2 Q. Okay. Was he a College

3 Republicans -- he must have been a member if he was
4 the treasurer; correct?

5 A. Yeah -- yeah.

6 Q. Was he at the tabling event, if
7 you know?

8 A. I don't remember.

9 Q. Do you know if he was at the Dr.
10 Laffer event?

11 A. I don't remember.

12 Q. When is the last time you've
13 spoken with Brian Murray?

14 A. Probably three or four months
15 ago.

16 Q. Okay. How -- in what context did
17 you speak with Brian?

18 A. We played a video game together.

19 Q. Do you have Brian's contact
20 information?

21 A. I should, yeah.

22 Q. Okay. He is someone we're trying
23 to locate for a deposition. I will tell you that
24 now. And we are probably going to serve a subpoena.
25 So if -- I'm going to ask you for his contact

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2 information. I'd rather he show up voluntarily. So
3 if -- feel free to pass along that information to him
4 if you have a way of doing so.

5 A. Okay.

6 Q. But we'd like -- we'd like to
7 hunt him down and get him -- get him in for a
8 deposition.

9 A. Okay.

10 Q. And I will make a request on the
11 record for whatever your current contact info for him
12 is, so we can reach out to him. Fair enough?

13 A. Fair enough.

14 Q. Have you ever discussed the facts
15 of this lawsuit with Brian?

16 A. No.

17 Q. Okay. Do you know an individual
18 named Bryn Lauer?

19 A. Yes.

20 Q. B-R-Y-N L-A-U-R-E (sic). Who is
21 Bryn?

22 A. Bryn was a member of the College
23 Republicans.

24 Q. Was she a member in the fall of
25 2019?

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2 A. Yes.

3 Q. Have you -- was she at the
4 tabling event, if you knew?

5 A. I don't remember.

6 Q. Was she at the Laffer event?

7 A. Yes.

8 Q. And have you ever discussed the
9 claims in this case with Bryn?

10 A. No.

11 Q. Do you know Bryn's current
12 whereabouts?

13 A. No.

14 Q. When was the last time you spoke
15 with Bryn?

16 A. Before the pandemic, so spring
17 2020 semester.

18 Q. Okay. So it's fair to say you've
19 never discussed the lawsuit at all?

20 A. No.

21 Q. Do you know an individual named
22 Joe Riccardi?

23 A. No.

24 Q. Do you have an understanding of
25 what the Plaintiff Young America's Foundation is?

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2 A. Yes.

3 Q. What is Young America's
4 Foundation?

5 A. They are an organization. I'm
6 pretty sure they're a nonprofit that essentially just
7 supports, you know, Student Republican and
8 conservative groups on campus. That's my
9 understanding of this.

10 Q. Okay. Have you ever held any
11 kind of role, position, or membership in Y.A.F.?

12 A. No.

13 Q. Did you personally have any
14 contact or communication with any representative of
15 Y.A.F. before the November 2019 Laffer event?

16 A. Yes.

17 Q. And what communication did you
18 have?

19 A. I had communication with a
20 gentleman named Raj Kannappan. I think that's how
21 you pronounce the last name.

22 Q. Okay. Did Y.A.F. have some sort
23 of involvement with the Dr. Laffer event?

24 A. Yes. I don't know exactly what
25 that involvement was, though.

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2 Q. Okay. Did you become aware
3 before the Dr. Laffer event that Y.A.F. would have
4 some sort of involvement?

5 A. Yes.

6 Q. And how did you come to that
7 understanding?

8 A. I believe we were -- I believe I
9 was told by the club president, John Restuccia, that
10 YAF would be helping us with this event.

11 Q. Okay. And at some point before
12 Dr. Laffer came to campus, did you have that contact
13 that you discussed with Raj Kannappan?

14 A. Before the Arthur Laffer event?

15 Q. Yeah.

16 A. Yes.

17 Q. Okay. And what contact did you
18 have with -- with Raj?

19 A. I had sent him a couple emails,
20 particularly relating to the flyer for the event that
21 I designed. He wanted to, apparently, see the flyer
22 before we spread it around and just, you know,
23 approve it, make sure that it -- it looked, you know,
24 all nice and well kept.

25 Q. Okay. So did you exchange emails

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2 with Raj?

3 A. Yes -- yes.

4 Q. Okay. I'm going to make a
5 request for copies of those emails?

6 A. I -- I don't know if I have
7 access to those because they were done through the
8 Binghamton University College Republicans official
9 email. It wasn't sent through my -- my personal B.U.
10 email. So I don't know. I don't think I have access
11 to that email anymore.

12 Q. Okay. Got you. All right. How
13 many emails did you exchange with him and -- and what
14 was the subject matter of those emails?

15 A. Probably two, and it was just in
16 relation to the flyer that I -- that I was working
17 on.

18 Q. Okay. Did you ever have any
19 contact with him regarding the tabling event?

20 A. No -- no, not that I can think
21 of.

22 Q. Did you ever email Raj from the
23 tabling event, using the College Republicans' email
24 address?

25 A. No.

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2 Q. Have you ever met Raj Kannappan?

3 A. Yes. I believe he was at the --
4 the Arthur Laffer event, if I'm remembering
5 correctly.

6 Q. Did you have any discussions with
7 him at that event?

8 A. No.

9 Q. Okay. Was it -- what was the --
10 what was the mode of your interaction with him?

11 A. I mean, I -- I think I just said
12 like, hi, Raj, or something like that. I mean, we
13 never had much of a discussion, really.

14 Q. Okay. And your email exchanges
15 were -- were limited to the subject matter of the
16 flyer you discussed and that's it?

17 A. Yeah -- yeah. To my -- to --
18 from what I can remember, yes. The emails were only
19 limited to the flyer.

20 Q. Okay. Did you ever have any
21 phone calls with Raj before the Laffer event?

22 A. I don't think so, no.

23 Q. How did the group settle on a
24 date for Dr. Laffer to come to campus?

25 A. I don't remember.

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2 Q. Did you ever -- were you ever
3 involved in email communications regarding picking a
4 date for the -- for Dr. Laffer's appearance?

5 A. No, I don't think I was.

6 Q. Do you know if the date or dates
7 for Dr. Laffer's event ever changed at any point?

8 A. I don't remember.

9 Q. Did you become aware that a date
10 was picked for Dr. Laffer to come to campus?

11 A. As in was I -- was I aware --?

12 Q. Were you told he is coming on
13 this date?

14 A. Oh, yeah, I -- I -- I was told he
15 was coming in on a certain date because I had to put
16 that info on the flyer.

17 Q. Okay. Got you. Once a date had
18 been picked by the College Republicans, what steps,
19 if any, did the College Republicans take to
20 facilitate the speaker's appearance? You talked
21 about flyers.

22 A. Yeah.

23 Q. Did somebody have to reserve a
24 room?

25 A. Yes. I was -- I was of the

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2 understanding that a room was reserved in what I
3 believe was the engineering building and then that
4 room got moved to the -- the lecture hall next door.
5 If I remember correctly, that's what happened.

6 Q. Okay. Do you know how College
7 Republicans selected the initial room?

8 A. I think there's like a web
9 service that Binghamton has that allows you to do
10 that.

11 Q. Okay. Well, was approval
12 required from anybody to secure the room?

13 A. I believe approval was required
14 by -- I don't know who handled it, but, yeah, it was
15 a process where something had to be approved.

16 Q. Okay. But you don't know who --
17 who approves it?

18 A. No.

19 Q. Were you involved in the process
20 of securing that room?

21 A. No.

22 Q. Okay. Were you provided with any
23 emails regarding the securing of that room?

24 A. No, not that I remember.

25 Q. Let's go to Defendant's Exhibit

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2 Three.

3 MR. MOORE: I'll just ask our
4 stenographer to put up the first page of that.

5 BY MR. MOORE: (Cont'g.)

6 Q. And that says, that has -- it's a
7 Gmail that says B There room approved, and then
8 there's the numbers fourteen, the letters L, H, and
9 N.

10 And I see at the top right of this, I
11 see the name Preston Scagnelli. That's you; right?

12 A. Yes.

13 Q. And email address P.C. Scagnelli
14 at Gmail dot com.

15 A. Yeah.

16 Q. Do you recognize that email
17 address?

18 A. Yes.

19 Q. Is that your email address?

20 A. Yes.

21 Q. It looks like, at the top of this
22 email, which is dated Thursday, November 21, 2019, it
23 appears that John Restuccia sends an email to the --
24 to the Gmail account; correct?

25 A. Yes.

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2 Q. That was your email address?

3 A. Yes.

4 MR. MOORE: Okay. Let's scroll down
5 farther to show the witness the entire email.

6 BY MR. MOORE: (Cont'g.)

7 Q. Do you see that email?

8 A. Uh-huh.

9 Q. And why -- and -- do you know
10 what it is?

11 A. It looks like a -- let's see --
12 it looks like an approval for a room.

13 Q. Okay. And it looks like it's
14 selected for October 7, 2019?

15 A. Yes.

16 Q. Was that the date of the Laffer
17 event?

18 A. I don't remember.

19 Q. Okay. Do you maintain the Gmail
20 account that is -- on this email?

21 A. Yes.

22 Q. Okay. And did you ever utilize
23 this email address to conduct College Republicans'
24 business?

25 A. I -- again, I -- I -- I don't

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2 remember.

3 Q. Okay. But you would agree with
4 me that this page indicates that John Restuccia sent
5 you some College Republicans related emails to that
6 email address; correct?

7 A. Yes.

8 Q. Do you know why he sent that to
9 you?

10 A. I -- I don't remember.

11 Q. Okay. Let's go to the next page.
12 And you see, at the top of that, this also appears to
13 be another email of the same date, November 21, 2019
14 from Restuccia to your Gmail account; correct?

15 A. Uh-huh.

16 Q. And if you scroll down, it looks
17 like this is -- it's a secure room for October 14,
18 2019, the Arthur Laffer speaking event. Would you
19 agree?

20 A. Yeah.

21 Q. Was that the date of the Arthur
22 Laffer event?

23 A. I don't remember.

24 Q. Do you know why the date's moved?

25 A. I don't remember.

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2 Q. Okay. Let's go to the next page.

3 This is --- I'll state for the record that these are

4 Bates stamped pages of one fourteen through one

5 eighteen from Plaintiff's disclosure. Is this

6 another email forwarded from Restuccia to you, dated

7 November 21, 2019?

8 A. Yes.

9 Q. And this appears to be a

10 reservation that was made on September 24, 2019;

11 correct?

12 A. Yes.

13 Q. And if we scroll down, this looks

14 like this reservation was made for the Laffer

15 Speaking event on November 8, 2019; correct?

16 A. Yes.

17 Q. Do you know why the date changed

18 from the 14th to the -- to November 8th?

19 A. No.

20 Q. Okay. Do you know why Restuccia

21 forwarded this email to you?

22 A. I don't remember.

23 Q. You know how this -- well, strike

24 that.

25 Let's go to the next page. And this

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2 appears to be another email dated Thursday, November
3 21, 2019. And would you agree with me that this is
4 another room reservation email forwarded to you by
5 Restuccia?

6 A. Yes.

7 Q. And that went to your Gmail
8 account?

9 A. Yes.

10 Q. And then, if we scroll down a
11 little further, it looks like this was a room
12 reservation made on October 3, 2019; correct?

13 A. Yes.

14 Q. And this appears to be for the
15 date November 18, 2019; correct?

16 A. Yes.

17 Q. Do you know why -- and this is
18 for the Dr. Laffer speaking event?

19 A. Yes.

20 Q. And do you know why the date was
21 changed again?

22 A. No.

23 Q. Do you know why Restuccia sent
24 this to you?

25 A. I don't remember.

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2 Q. Okay. There's one more page.

3 We'll go to that. This is Bates stamp page -- what

4 we just talked about was Bates stamp page one

5 seventeen. This is Bates stamp page one eighteen.

6 Again, this was an email sent to you

7 on November 21, 2019 from Restuccia; correct?

8 A. Yes.

9 Q. And this was a room reservation

10 made on Halloween of 2019; correct? October 31st?

11 A. Yes.

12 Q. And this appears that this was a

13 reservation, if you scroll down a little farther,

14 again, made for November 18, 2019; correct?

15 A. Yes.

16 Q. Okay. Do you know why the

17 reservation was changed again?

18 A. No.

19 Q. Do you know why Restuccia sent

20 you this email?

21 A. I don't remember.

22 Q. Okay. This was after -- these

23 emails were forwarded to you after the Laffer event;

24 correct?

25 A. If it was sent -- when was it

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2 sent, again?

3 Q. If you scroll back up, we can
4 look at the top of Bates stamp page one eighteen on
5 November 21, 2019; correct?

6 A. Yeah. I -- I guess if that's
7 after the Laffer event, then -- then, yeah.

8 Q. Do you know why Restuccia
9 would've sent, from his Binghamton email address, to
10 your private Gmail account?

11 A. I don't remember.

12 Q. Okay. Do you see, also, that --
13 that under the subject matter, the emails forwarded,
14 it says B There room approved. Do you know what is
15 referred to -- do you know what B There is?

16 A. I believe that is the -- the
17 online service, I think, where you can reserve rooms.

18 Q. Okay. So is that a University-
19 hosted system for reservation of rooms. Is that a
20 fair statement?

21 A. I -- I -- I guess, yeah.

22 Q. Okay. And did the College
23 Republicans, as a group, have the right to reserve
24 that room?

25 A. At the time of the Laffer event,

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2 I believe so, yes.

3 Q. Okay. Let's scroll down a little
4 farther. Does it say anything about the College
5 Republicans, specifically, in this email?

6 A. I do not see anything that says
7 the word College Republicans.

8 Q. Okay. And it looks like the
9 person who made this reservation was John Restuccia.
10 Is that your understanding?

11 A. Yes.

12 Q. Did John tell you he was making
13 room reservations?

14 A. I mean, prior to the event, I
15 believe, yeah, he -- he said -- told, you know,
16 members of the group that there was a room set.

17 Q. Okay. Fair enough. Let's go to
18 Defendant's Exhibit Eleven. And I'll leave the --
19 I'll -- I'll identify that this was a email marked at
20 Mr. Restuccia's deposition earlier -- earlier --
21 earlier in this year.

22 Do you recognize this email, sir?

23 A. I'm sorry?

24 Q. Do you recognize this email?

25 A. No.

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2 Q. This is Bates stamp pages one

3 thirty-three and one thirty-four. Do you see, at the

4 top of this email, this was another email forwarded

5 to you by John Restuccia from his Binghamton E.D.U.

6 email address to your Gmail address?

7 A. Yes.

8 Q. And would you agree with me that

9 also occurred on November 21, 2019?

10 A. Yes.

11 Q. And this was -- this -- this

12 email is titled, Event Approved: Dr. -- Dr. Arthur

13 Laffer: Trump, Tariffs, Trade Wars. Would you agree

14 with me?

15 A. Yes.

16 Q. Was that the title of Dr.

17 Laffer's lecture?

18 A. Yes.

19 Q. And if you scroll down, please.

20 Do you know what -- what the body of this email is?

21 It has the words event.

22 A. I can see it, yeah.

23 Q. Do you know what it is?

24 A. It -- well, from the looks of it,

25 it looks like an event approval.

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2 Q. Okay. Do you know was the Dr.

3 Laffer Event dated November 18 approved by a school
4 administrator as of November 12th?

5 A. As in was I aware of that at the
6 time?

7 Q. Yeah.

8 A. Yeah. I -- I knew the event was
9 approved.

10 Q. And if you scroll up, who was it
11 approved by? See under forwarded message?

12 A. Yeah. It looks like a Joshua
13 Dorfman.

14 Q. Do you know who Joshua Dorfman
15 is?

16 A. I do not.

17 Q. Okay. Is he a University
18 employee?

19 A. I do not know.

20 Q. Okay. Scroll down a little
21 farther. Do you see the words, open for
22 registration? It says the event, Dr. Arthur Laffer:
23 Trump, Tariffs, Trade Wars, Monday, November 18, at
24 seven thirty p.m., was approved by a school
25 administrator and is now visible on the calendar and

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2 open for registration, if you allowed it in your
3 event settings.

4 Did I read that correctly?

5 A. Yes.

6 Q. Do you know what open for
7 registration means?

8 A. No.

9 Q. Did the College Republicans
10 require registration for this event?

11 A. Yes, I believe so.

12 Q. Okay. So to -- to attend the
13 event, would you have to register using this -- would
14 someone have to register to attend it?

15 A. Yes.

16 Q. Okay. Did you require tickets
17 for the event?

18 A. Like actual physical tickets, I -
19 - I don't remember.

20 Q. Okay. And what's your source of
21 knowledge that registration was required for the
22 event, to attend the event?

23 A. I believe I -- I believe, on the
24 flyer I had made, there was a Q.R. code that I
25 believe I put on there that would link to a page

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2 where you could make a reservation. I'm pretty sure
3 this was the event where I did that.

4 I -- I know I did it for one of the
5 events, whether it was The Case Against Socialism or
6 this, but that was the knowledge I had on -- on
7 reservations.

8 Q. Okay. I'm going to request the
9 copy of that Laffer flyer to the extent you have it
10 in your emails --

11 A. Uh-huh.

12 Q. -- or other source. Okay. I'll
13 put that in an email.

14 And again, do you know why John
15 Restuccia sent you this email?

16 A. I do not --

17 Q. All right.

18 A. -- remember.

19 Q. Okay. Did you have any -- did
20 you personally have any contact, before the tabling
21 event or Dr. Laffer speech, with the University or
22 University Police regarding the event?

23 A. I -- me -- me, personally, with
24 University Police?

25 Q. Yes.

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2 A. I don't recall anyone or -- or
3 myself having any interaction with the University. I
4 know the police -- University Police, there were a
5 couple instances, yes, where I interacted with them.

6 Q. Okay. What interactions did you
7 have with University Police -- Police before either
8 event?

9 A. Okay. So before -- during --
10 after the tabling thing went down, I saw Officer Joe
11 Gallagher with the University Police. And I walked
12 up to him and I just asked him, you know, is everyone
13 okay, you know, is John, Lacey, and whoever was there
14 at the table, were they okay. That was one
15 interaction I had.

16 The other interaction I had was before
17 the Arthur Laffer event, I believe it was like the
18 morning before or a few mornings before, John
19 Restuccia and I to thank the University Police for,
20 you know, agreeing to, you know, be there for the
21 event. We got them coffee and -- from the nearby
22 convenience store.

23 Q. Okay. So let's talk about the
24 Joe Gallagher contact after the tabling event. Was
25 that on the date of the tabling event or sometime

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2 after that?

3 A. That was on the date of the
4 tabling event.

5 Q. Had the tabling event concluded
6 at that point?

7 A. Yes.

8 Q. Where did you see Investigator
9 Gallagher?

10 A. He was on the outside of the
11 protest group that was there.

12 Q. Okay. Was the protest still
13 going on?

14 A. Yes.

15 Q. Okay. Were the College
16 Republicans still there?

17 A. No.

18 Q. All right. And what was -- what
19 was said by you and what was said by Investigator
20 Gallagher?

21 A. Paraphrasing here, but
22 essentially, I just -- I walked up to him because I
23 was very concerned. I didn't know what happened to
24 my friends and -- and colleagues in the College
25 Republicans.

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2 So I walked up and asked him, you

3 know, is -- is everyone okay, is John all right, you

4 know, and Lacey and them. And - and he said, yeah,

5 they're fine, they -- they went somewhere off campus,

6 they're -- they're good.

7 Q. Okay. Did he say anything else

8 to you about that?

9 A. Not that I can recall.

10 Q. Why were you concerned for their

11 safety?

12 A. Because they're my friends.

13 Q. Well, what caused you to become

14 concerned?

15 A. The mob of what I would say is
16 probably a hundred to a hundred and fifty-plus people
17 where -- surrounding where they were once standing.

18 Q. Okay. And when did you arrive at
19 that scene that allowed you to have that conversation
20 with Joe Gallagher?

21 A. That was after I had a lecture.

22 Q. Okay. So you left class and went
23 to the Spine?

24 A. I left class and I had to go past
25 the Spine and I saw everything that was there.

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2 Q. Were the College Republicans
3 still there when you arrived?

4 A. No.

5 Q. Were there any police there,
6 other than Investigator Gallagher, that you saw?

7 A. Not that I can recall.

8 Q. Okay. Got you. And then we'll
9 get a little farther into the -- the details of the
10 tabling event in a moment. But before the Laffer
11 event, you said you brought coffee to the police?

12 A. Yeah.

13 Q. Was that the day of the Laffer
14 event or at some other point?

15 A. It was some point preceding. I
16 don't know if it was the day of or a few days before,
17 I don't remember, but it was preceding the Arthur
18 Laffer event.

19 Q. Okay. Well, the -- the tabling
20 event was, to my understanding, on Thursday, November
21 14th of 2019 and the Dr. Laffer event was Monday,
22 November 18th of 2019. Do those dates sound right to
23 you?

24 A. I -- I guess. I -- I don't
25 remember the exact dates.

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2 Q. Okay. Well, we can look on the
3 screen right now and we see that Monday, November 18
4 is -- is that on the first page of Defendants'
5 Exhibit Eleven; correct?

6 A. Yes.

7 Q. Do you have any reason to doubt
8 the accuracy of that date?

9 A. No.

10 Q. Is it a fair statement then that
11 if the tabling event was held on November 14th, that
12 that was the previous Thursday?

13 A. Yes.

14 Q. Okay. So we can agree that the
15 tabling event happened on Thursday the 14th, the
16 Laffer event happened on Monday the 18th; correct?

17 A. Yes.

18 Q. Okay. So trying to break down
19 when you brought coffee to the police, was it the day
20 after the Laffer event, on the Friday?

21 A. No. It was preceding the Arthur
22 Laffer event from what I can remember.

23 Q. Okay. I asked that question
24 wrong. I'm sorry. Was it the day after the tabling
25 event, on Friday, November 15th?

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2 A. I don't think it was the day
3 after because I believe the College Republicans --
4 because I went -- I went -- I delivered the coffee
5 with John Restuccia. And John Restuccia -- I think
6 John Restuccia wasn't on campus the day after the
7 event, I believe, for fear of his safety. So I
8 believe it was, maybe like a couple days after.

9 Q. Okay. Was it over the weekend,
10 on Saturday the 16th or Sunday the 17th?

11 A. I don't remember.

12 Q. And then, Monday, the 18th, was
13 the day of the Laffer lecture; correct?

14 A. Correct.

15 Q. Was it the morning of the 18th
16 that you brought coffee?

17 A. It's possible. I -- I don't
18 remember the exact date.

19 Q. Were you present when this
20 occurred?

21 A. Yes.

22 Q. Who did you talk to at the
23 University Police, if anyone?

24 A. I don't think I directly spoke to
25 anyone.

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2 Q. Okay. Did -- did you see John
3 directly speak to anybody?

4 A. Yeah.

5 Q. Okay. Tell me what occurred.

6 A. Well, we swung by a convenience
7 store first and got all the -- the coffee because
8 there was like a Dunkin built in the convenience
9 store. We then went to the University, went to where
10 the University Police were headquartered.

11 We went up to the front desk and said
12 something along the lines of, I think, we brought
13 coffee or something like that. And then, we gave it
14 to the police. They -- they thanked us and we
15 thanked them and then we went on our way.

16 Q. Okay. Who did you speak with?
17 Can you -- was it an officer at a desk, was it a
18 secretary, was it something else?

19 A. Yeah, I believe there was an
20 officer at a desk, first. I don't know the officer's
21 exact name, and then, we may have seen Joe Gallagher
22 in there, too.

23 Q. Okay. And what did you -- what
24 was said to the police and by whom?

25 A. Again, it was mostly John from

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2 what I can remember and he just said, you know,
3 here's, you know, coffee as a sign of appreciation.
4 And that -- that's what I remember going down.

5 Q. Was it appreciation for what had
6 occurred at the tabling event?

7 A. I think it was just appreciation
8 in general for them for -- you know, for them helping
9 us with the -- the -- you know, by being there
10 present at the Laffer event the following, you know,
11 day or few days, whenever we brought the coffee in.

12 Q. Okay. Well, my -- my question
13 was were you thanking them for what they did at the
14 tabling event?

15 MS. WADE: Objection, asked and
16 answered.

17 MR. MOORE: I'm just trying to
18 understand.

19 MS. WADE: You can answer.

20 A. I can? Okay. Yeah, I mean, I --
21 I don't think so. I think the main reason was to
22 thank them for, you know, going and attending as, you
23 know, security for the Arthur Laffer event.

24 BY MR. MOORE: (Cont'g.)

25 Q. How did you know they would be

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2 security at the Arthur Laffer event?

3 A. I believe -- I believe I was
4 told, I would imagine probably by John, but, again, I
5 -- I -- I don't exactly a hundred percent remember.
6 But we were told that there would be, you know,
7 security there by University Police.

8 Q. Okay. And there was no
9 discussion of the tabling event?

10 A. Not that I can think of.

11 Q. Okay. Let's talk about this Case
12 Against Socialism again.

13 MR. MOORE: Let's put on Exhibit
14 Forty, which is the College Republicans'
15 interrogatory responses.

16 BY MR. MOORE: (Cont'g.)

17 Q. And I just wanted you to ask you
18 about something that appears on page seven,
19 subdivision one. And I will read this into the
20 record.

21 This reads -- I'll state for the
22 record that this is a response to interrogatory
23 number two, and this is subdivision one. And it
24 says, on October 31, 2019, The Case Against Socialism
25 guest speaker Michael Vasquez was invited to give a

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2 presentation on his time living in the Soviet Union.
3 The event was held in lecture hall nine. Known
4 participants included John Restuccia, Jon Lizak,
5 Lacey Kestecher, Samuel Kessler, Kyle Nelson, Logan
6 Blakeslee, and Dylan Roth.

7 Did I read that correctly, sir?

8 A. Yes.

9 Q. Is -- is that the correct date of
10 The Case Against Socialism?

11 A. I believe so.

12 Q. Was Michael Vasquez the only
13 speaker there, or were there were others?

14 A. No; there were two other
15 speakers.

16 Q. Okay. And was the event held in
17 lecture hall nine?

18 A. It was held in a lecture hall.
19 If that -- if it says lecture hall nine, then that
20 would make sense.

21 Q. Okay. And were those
22 participants who are listed there all present?

23 A. I cannot attest to that all of
24 them were there. I can remember -- you know, I can
25 remember Lacey Kestecher being there. I can remember

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2 John Restuccia, Jon Lizak being there, possibly Kyle
3 Nelson. The rest Samuel Kessler, Logan Blakeslee,
4 Dylan Roth, I -- I honestly don't remember if they
5 were present.

6 Q. But you were there, as well;
7 correct?

8 A. Yes, I was.

9 Q. Were there any other College
10 Republicans you remember being there?

11 A. I don't remember.

12 Q. Okay. Let's go to Exhibit Seven,
13 please. And I'll state for the record that this is
14 Bates stamp page twelve ninety-one from Defendants'
15 disclosures, and it's got the heading College
16 Republicans event. Do you see that?

17 A. Yes.

18 Q. You can scroll down a little,
19 please, so we can see more of the email. Would you
20 agree with me that this is an email from Joe
21 Gallagher to John -- to John Restuccia?

22 A. Yes.

23 Q. And there's -- it gets copied to
24 a couple of other individuals, John Pelletier and
25 Patrick Reilly?

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2 A. Yes.

3 Q. Okay. Have you ever seen this
4 email before today?

5 A. No.

6 Q. Okay. Would you agree with me
7 that this is an email dated October 25, 2019?

8 A. Yes.

9 Q. Okay.

10 Q. Scrolling down a little, the
11 initial email which appears to have been sent at five
12 sixteen p.m. on October 25, 2019, is from Gallagher
13 to Restuccia; correct?

14 A. Yes.

15 Q. And it says, I understand that
16 the Binghamton University College Republicans will be
17 holding a roundtable event in L.H. nine on 10/28.
18 Are you anticipating any issues or attendance from
19 the members of PLOT or their associated student
20 groups?

21 Did I read that correctly, sir?

22 A. Yes.

23 Q. Does this refresh your
24 recollection that the -- the date of The Case Against
25 Socialism was October 28, not October 31?

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2 A. I don't -- I don't remember.

3 Q. Okay. Fair enough. Do you know
4 if any University representatives were at The Case
5 Against Socialism?

6 A. None that I know of.

7 Q. Okay. Were there any University
8 Police present in The Case Against Socialism?

9 A. There might have been. I don't
10 remember.

11 Q. Okay. Did -- did anyone from the
12 University or University Police impede this event at
13 all?

14 A. No, not that I can think of.

15 Q. Okay. And you see that
16 Investigator Gallagher made a reference to the
17 members of PLOT or their associated student groups?

18 A. Yes.

19 Q. Do you know what PLOT is?

20 A. Progressive Leaders of Tomorrow.

21 Q. And what is Progressive Leaders
22 of Tomorrow?

23 A. They are a -- to use a neutral
24 term here, progressive left-leaning organization. As
25 far as I know, they're pretty centralized in Broome

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2 County. And they are, from -- from my knowledge, at
3 least, affiliated or -- or -- not affiliated, but
4 associated with the College Progressives in some way.

5 Q. Is PLOT a sanctioned B.U. student
6 group?

7 A. No. They are -- they are outside
8 the University.

9 Q. So they were not sanctioned by
10 the S.A.?

11 A. Not to my knowledge, no.

12 Q. And when it says associated
13 student groups, do you know what that refers to?

14 A. I -- I -- I can't say factually
15 what Joe Gallagher was referring to, but I would
16 imagine he's probably referring to College
17 Progressives.

18 Q. Is it your understanding -- it's
19 your understanding that the College Progressives are
20 somehow associated with PLOT?

21 A. Yes.

22 Q. Okay. And are -- were the
23 College Progressives a group sanctioned by the S.A.
24 on Binghamton University's campus?

25 A. I am not sure.

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2 Q. Okay. Do you have any personal
3 knowledge regarding whether Defendant Brian Rose had
4 any direct contact or communication with any
5 representative of PLOT during the calendar year 2019,
6 up to and including the tabling event and Laffer
7 event?

8 A. I have no knowledge of that, no.

9 Q. Do you have any personal
10 knowledge whether Defendant Harvey Stenger had any
11 direct contact or communication with any
12 representative of PLOT during the calendar year 2019,
13 up to and including the tabling event and Laffer
14 event?

15 A. I do not have any knowledge of
16 that, no.

17 Q. Do you have any personal
18 knowledge regarding whether Defendant John Pelletier
19 had any direct contact or communication with any
20 representative of PLOT during the calendar year 2019,
21 up to and including the tabling event and Laffer
22 event?

23 A. I have no knowledge of that, no.

24 Q. Same questions for the College
25 Progressives. Do you have any personal knowledge

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2 whether Defendant Brian Rose had any direct contact
3 or communication with any representative of College
4 Progressives during the calendar year 2019, up to and
5 including the tabling event or Laffer event?

6 A. I have no knowledge of that, no.

7 Q. And do you have any personal
8 knowledge regarding whether Defendant Harvey Stenger
9 had any direct contact or communication with any
10 representative of College Progressives during the
11 calendar year 2019, up to and including the tabling
12 event and Laffer event?

13 A. I have no knowledge of that, no.

14 Q. And do you have any personal
15 knowledge whether -- regarding whether Defendant John
16 Pelletier had any direct contact or communication
17 with any representative of College Progressives
18 during the calendar year 2019, up to and including
19 the tabling event and Laffer event?

20 A. I have no knowledge of that, no.

21 Q. Okay. Let's move on to Exhibit
22 Number Nine. And this, I will state for the record,
23 appears to be an email titled Dr. Laffer event,
24 which, again, appears to have been forwarded by
25 Restuccia's Binghamton E.D.U. address to your Gmail

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2 address. Would you agree with me?

3 A. Yes.

4 Q. Would you agree that this was
5 forwarded on Thursday, November 21, '19, at one
6 forty-eight p.m.?

7 A. Yes.

8 Q. And I'll state for the record
9 that this document is Bates stamped page one thirty-
10 two from Plaintiff's disclosures. Scrolling down, if
11 we can get the body of the email into the -- onto the
12 screen.

13 My first question will be do you
14 recognize this email?

15 A. I do not remember ever seeing
16 this email. It's possible, but I don't remember it.

17 Q. Would you agree with me that this
18 is an email from Joseph Gallagher to John Restuccia,
19 dated Tuesday, October 29th, 2019?

20 A. Yes.

21 Q. Okay. And it reads, John, glad
22 your event went well last night. In regards to the
23 Dr. Laffer -- to the Arthur Laffer event, if you
24 speak to his representatives, you may want to inquire
25 if he has any security concerns and get a list of

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2 prior appearances at college campuses. I generally
3 reach out to these -- those locations to see what
4 kind of issues, if any, they experienced. Thanks
5 again for the coffee. Joe.

6 Did I read that correctly, sir?

7 A. Yes.

8 Q. Did you know about this email on
9 the date it was sent, October 29, 2019?

10 A. You -- you cut out there in the
11 beginning. Could you repeat that?

12 Q. Were you aware that this email
13 had been sent on October 29, 2019 or thereabouts?

14 A. I do not remember.

15 Q. Okay. When Joe says thanks again
16 for the coffee, does that refer to the event when the
17 -- the incident when you and John brought coffee to
18 the police station, or is that a separate?

19 A. That is likely what he is
20 referring to, yes.

21 Q. Okay. So if we scroll up, just
22 so we're clear on the date, October 29, 2019 was
23 before the tabling event; correct?

24 A. Yes.

25 Q. Do you know if you and John -- or

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2 rather, do you know if John brought coffee to the
3 police at any other time?

4 MS. WADE: Objection, calls for
5 speculation.

6 BY MR. MOORE: (Cont'g.)

7 Q. I'm just asking what you know,
8 sir. If you don't know, that's -- that's fair.

9 A. I don't know.

10 Q. Okay. Does this change your
11 testimony as to when you and John brought the coffee
12 to the police?

13 A. It's -- it's possible. I mean,
14 it's -- you know, I don't -- I -- I honestly don't
15 remember the exact date, but it is possible it could
16 have happened before the tabling event.

17 Q. Okay. Let's go to the bottom of
18 this page. And it's -- there appears to be a second
19 email there. And this is from three minutes later,
20 Thursday, November 21, 2019, at one fifty-one p.m.
21 And that, again, is from John Restuccia to you;
22 correct?

23 A. Yes.

24 Q. And you still maintain the P C
25 Scagnelli at Gmail dot com email address?

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2 A. Yes.

3 Q. It says quoted text hidden. Do
4 you know what was in this email?

5 A. No, I do not remember getting an
6 email like this.

7 Q. Okay. I am going to request a
8 copy of that email when you search your email
9 addresses. Okay?

10 All right. I'm done with Exhibit
11 Nine. Let's go to Defendant's Exhibit Sixteen. And
12 this is an email titled Room Request to Talk. And
13 this, again, appears to be something that had been
14 forwarded from Restuccia's Binghamton email address
15 to your Gmail address, dated November 21, 2019, at
16 one forty-nine p.m. Do you see that, sir?

17 A. Yes.

18 Q. Do you know why Restuccia
19 forwarded this email to you on that date?

20 A. I do not remember.

21 Q. This is only a couple of days
22 after the Laffer event; correct?

23 A. Yes.

24 Q. Was there any discussion of why
25 Restuccia would be dumping a number of emails to your

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2 Gmail account, a few days after the Laffer event?

3 A. I do not remember.

4 Q. Okay. I'm going to ask that you
5 search for all emails forwarded by Restuccia to your
6 Gmail account on or about November 21, 2019. Is that
7 fair?

8 A. Yes.

9 Q. Okay. Thanks. Do you know what
10 Classrooms at Binghamton dot E.D.U. is? If you see a
11 little forward under the forwarded message?

12 A. No.

13 Q. Okay. And scrolling down so you
14 can see the entire email, and I'll note for the
15 record that this is -- the email appears all on -- on
16 Plaintiff's Bates stamp page one forty-four, but the
17 exhibit actually goes on to one forty-five.

18 Do you recognize these emails?

19 A. I don't remember these, no.

20 Q. Okay. Were you a party to any of
21 these emails?

22 A. Not that I know of.

23 Q. Okay. Then we'll move on. Let's
24 go back to the complaint. And that's Defendant's
25 Exhibit One. And I'm going to direct your attention

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2 to page twelve of that document, and paragraphs
3 forty-seven and forty-eight.

4 And I'll read paragraph forty-seven
5 into the record. It reads as follows. I'll read
6 forty-seven and forty-eight into the record.

7 Forty-seven reads, on Thursday,
8 November 14, 2019, College Republicans organized a
9 tabling event in a high traffic area of SUNY
10 Binghamton's campus, known as the Spine. College
11 Republicans' table was not blocking access to
12 buildings or pedestrian traffic.

13 And then, paragraph forty-eight reads,
14 as they and many other student organizations had done
15 previously, College Republicans did not obtain a
16 permit from the Student Association to table on this
17 date.

18 Did I read that correctly, sir?

19 A. Yes.

20 Q. Okay. Let's talk about when --
21 were you at this event?

22 A. The tabling event, yes, at the
23 beginning.

24 Q. Okay. Where was this tabling
25 event held?

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2 A. It was held on a thing that's
3 called the Spine.

4 Q. What is the Spine?

5 A. The Spine is essentially a long -
6 - I don't know the right word -- a long walkway of
7 concrete, which essentially connects the lecture
8 halls area of the school to a bunch of other places
9 to the school. And a lot of organizations put their
10 tables up there and it gets a lot of foot traffic.

11 Q. Okay. Do you know if
12 reservations are required to table at that space?

13 A. Yes.

14 Q. They are required?

15 A. I believe so, yes.

16 Q. Okay. What time did the table
17 get set up?

18 A. I'm pretty sure it was relatively
19 early in the morning. I don't know an exact time.

20 Q. Okay. Do you know what time in
21 the morning it was set up?

22 A. No.

23 Q. Were you present when it was set
24 up?

25 A. Yes.

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2 Q. Okay. And what did you -- what
3 involvement did you have, if any, in setting up the
4 table or tables?

5 A. We -- we transferred things over
6 from the -- the College Republicans office space that
7 we were using and we were bringing it over to the
8 Spine to set it up. It involved -- you know, there
9 were some tables, there were -- what else. There
10 were tables. I believe we were giving out hot
11 chocolate, so we had that there. And just getting
12 that all set up there.

13 Q. Okay. Got you. How long were
14 you personally present at the tabling event?

15 A. I feel like it was at least -- at
16 least an hour, but I'm honestly not sure. I had to
17 run to class after -- you know, sometime after it was
18 set up.

19 Q. Okay. Got you. Referring to
20 paragraph forty, if we could put all of that on the
21 screen. It says that the College Republicans did not
22 obtain a permit from the Student Association to table
23 on this date; correct?

24 A. I see paragraph fifty on the
25 screen.

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2 Q. You don't see forty-eight on the
3 screen?

4 A. Forty-eight. I'm sorry. I
5 thought -- I thought I heard forty. As -- okay.

6 Q. Is that true? Let -- let me ask
7 it again. That was a bad question.

8 Did the College Republicans obtain a
9 permit from the Student Association to table on this
10 day?

11 A. I don't think so.

12 Q. Okay. And why don't you think
13 so?

14 A. Again, this kind of goes back to
15 that fuzzy moment I mentioned earlier, where there
16 was some discussion about, you know, freedom of
17 speech on public spaces or something that was said by
18 that -- that one guy's name who wrote the article.
19 And that might have been in context to this
20 particular situation.

21 Q. Okay. That's what I'm trying to
22 understand. Was there a conscious decision made by
23 the College Republicans to not obtain a permit for
24 free speech purposes?

25 A. I believe yes.

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2 Q. Okay. And were there any emails
3 exchanged about that particular subject matter?

4 A. Not that I can think of, no.

5 Q. Okay. I'll ask that you do a
6 search of your two email addresses. And if you find
7 any, please forward them to your attorneys. Okay?

8 A. Yeah.

9 Q. And we've already talked about
10 the B There system; correct?

11 A. Uh-huh.

12 Q. And do you know if the B There
13 system was what was used to reserve tables -- tabling
14 space for the Spine?

15 A. I don't know.

16 Q. Okay. This -- this email here
17 says, as they had done previously, College
18 Republicans did not obtain a permit from the Student
19 Association to table on this date; correct?

20 A. Yes.

21 Q. Do you know when the College
22 Republicans had tabled on the Spine without a permit
23 before November 14 of 2019?

24 A. There may have been one other
25 scenario. There may have been one for The Case

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2 Against Socialism. Like I said, I -- I remember -- I
3 kind of remember there being one more tabling event
4 prior, but I just -- I don't remember what it -- it
5 was about. So that -- that could very well be
6 correct.

7 Q. So there may have been one; there
8 may not have been one. You don't remember as you sit
9 here today?

10 A. I -- I do not remember the exact
11 context, but I -- I think there -- there was, yes.
12 There was a tabling event prior. I just -- I don't
13 remember what the context of the tabling event was.

14 Q. Okay. I'm going to ask that you
15 search your emails for any reference to a prior
16 tabling event.

17 A. Okay.

18 Q. And if you can find them, please
19 provide them to your attorneys.

20 And you don't know the date of that
21 prior tabling event?

22 A. No.

23 Q. Okay. And you're not positive
24 what the context was?

25 A. I -- I -- I cannot actually state

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2 what the context was of the tabling, no.

3 Q. Were you present at the tabling
4 event -- the prior tabling event?

5 A. If there was one, then, yeah, I -
6 - I was, more than likely, there.

7 Q. Did you staff the table?

8 A. As in did I stand behind the
9 table and interact with people, yes.

10 Q. Okay. Do you remember what the
11 weather was like that day?

12 A. No.

13 Q. Are -- are you guessing about
14 this?

15 A. About what?

16 Q. About this other tabling?

17 A. I'm -- I'm -- I genuinely don't
18 know.

19 Q. Okay. So is it -- is it -- are
20 you speculating that there may have been one before
21 this date?

22 MS. WADE: Objection, asked and
23 answered.

24 BY MR. MOORE: (Cont'g.)

25 Q. You can answer.

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2 A. I -- I -- I guess. I'm -- I'm
3 trying to remember to the best of my ability. I --
4 but I don't.

5 Q. Okay. Do you know, if -- if this
6 prior tabling event occurred, whether the College
7 Republicans secured a permit?

8 A. Could you repeat that?

9 Q. Do you know, if this table --
10 this prior tabling event occurred, whether the
11 College Republicans obtained a permit?

12 A. I -- I -- if -- if they didn't do
13 this one without a permit, it would make sense if
14 they didn't do the other one without a permit, yes.

15 Q. Is that a guess?

16 A. I'm -- I'm saying it would make
17 sense if they didn't. I'm not going to speculate
18 whether or not they did or did not get a permit but.

19 Q. So is the answer you don't know -
20 -

21 A. I --.

22 Q. -- whether there was a permit
23 obtained for a prior tabling event?

24 A. I don't know.

25 Q. Are you aware of any other

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2 student organizations who had tabled without a permit
3 on the Spine before November 14, 2019?

4 A. I don't know.

5 Q. How many tables did the College
6 Republicans have on November 14, 2019?

7 A. Like how many physical tables
8 were set up?

9 Q. Yes.

10 A. I'm -- I'm pretty sure it was
11 two.

12 Q. Okay. And who was working those
13 two tables, if you understand the term working?

14 Q. That would be myself, Lacey
15 Kestecher, Jon Lizak, and John Restuccia. There may
16 have been some other people that might have come and
17 gone. But as far as the people I remember being
18 there, it was those three alongside myself.

19 Q. Okay. And that was just during
20 the time you were there, which was before class that
21 morning?

22 A. Yes.

23 Q. Can you describe what, if
24 anything, was displayed at the College Republican
25 table?

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2 A. I'm pretty sure there were things

3 --.

4 Q. Or tables?

5 A. Yeah, there were -- there were

6 things advertising this event, the -- the -- I

7 believe it was actually my flyers that were there for

8 people to come and take.

9 There may have been some, like, pins

10 there like with, like, you know, pro -- pro-

11 Republican stuff on it. And then we brought hot

12 chocolate, as well, to, you know, give out to people

13 because I -- it was a pretty cold day, if I remember.

14 Q. Okay. Other than the -- how many

15 Laffer event flyers were on the table when the --

16 when the table was set up?

17 A. I don't remember.

18 Q. Okay. Were those flyers that you

19 were handing out to people?

20 A. Yes.

21 Q. Were copies made of those flyers

22 by someone for distribution at the table?

23 A. Yes.

24 Q. Were you the person who made

25 those copies?

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2 A. I don't remember.

3 Q. Okay. And were any flyers handed
4 out during the tabling event?

5 A. Yes, I believe so.

6 Q. Okay. There's been prior
7 testimony that up to a hundred and fifty may have
8 been handed out before the protest began. Is that
9 accurate, if you know?

10 A. I -- I don't know.

11 Q. Okay. Because you weren't there
12 for the entire tabling event; correct?

13 A. Correct.

14 Q. All right. Were there any signs
15 or other materials present at these tables?

16 A. There may have been. I'm not
17 entirely sure.

18 Q. And what do you mean that you --
19 is that because you don't remember or because --?

20 A. I don't remember.

21 Q. Okay. Got you. Were there any
22 other groups tabling with you?

23 A. No.

24 Q. Okay. Were there any other
25 tables set up in the proximity of the College

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2 Republican tabling?

3 A. Not that I can remember. I don't
4 know.

5 Q. Okay. Got you. Are you aware of
6 a group called Turning Point U.S.A.?

7 A. Yes.

8 Q. What is Turning Point U.S.A.?

9 A. They are a nonprofit
10 organization, political advocacy. They're really big
11 on college campuses and students start clubs there.

12 Q. Okay. Was there a sanctioned
13 Turning Point U.S.A. group on campus at Binghamton
14 University?

15 A. There was one that was in the
16 process of being started up by, I believe, Lacey
17 Kestecher. However, I don't think it had been S.A.
18 sanctioned yet.

19 Q. Okay. Do you know if Lacey ever
20 made an effort to have that group S.A. sanctioned?

21 A. I think so.

22 Q. Are you guessing?

23 A. No. I'm trying to remember. I
24 don't know.

25 Q. Were you a member of Turning

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2 Point U.S.A.?

3 A. I don't think so.

4 Q. Was Turning Point U.S.A. involved
5 in the tabling event of November 14, 2019?

6 A. They may have been.

7 Q. Did you see anyone from Turning
8 Point U.S.A. there or any materials from Turning
9 Point U.S.A. before you left the tabling event on
10 November 14, 2019?

11 A. I don't remember.

12 Q. Okay. Did you -- were you
13 involved in any discussions regarding Turning Point
14 U.S.A.'s involvement, if any, on November 14, 2019 --

15 A. I don't --.

16 Q. -- before November 14, 2019?

17 A. I don't remember.

18 MR. MOORE: Okay. Let's put a picture
19 up on the screen. And this has been previously
20 marked as Defendant's Exhibit Seventeen. If we can
21 scroll just a little farther, get rid of some of the
22 dead space at the top. Okay.

23 BY MR. MOORE: (Cont'g.)

24 Q. Sir, have you ever seen this
25 picture before today?

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2 A. Not that exact picture, no.

3 Q. Okay. Do you know what it
4 depicts?

5 A. It depicts a table and what looks
6 like Lacey Kestecher in the middle there. And I
7 think that was her -- that was her T.P.U.S.A.
8 contact.

9 Q. Okay. So let's -- do you know
10 where this photo was taken?

11 A. That looks like the Spine.

12 Q. Okay. Do you know if this photo
13 was taken on November 14, 2019?

14 A. I do not know.

15 Q. How many tables do you see in
16 this picture?

17 A. In the center -- in the center of
18 the photo, I see one and then you can see one off to
19 the right there.

20 Q. Okay. Does this look like the
21 location where the College Republicans were tabling
22 on November 14, 2019?

23 A. Yes.

24 Q. And does that look like the
25 weather that day? I see snow on the ground?

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2 A. Yes.

3 Q. Okay. Now, you talked about the
4 people depicted in the photo, and you said Lacey was
5 there. There is a woman who appears to be wearing a
6 tan jacket and a red hat that appears to have the
7 word Trump on it. Is that Lacey Kesteher?

8 A. Yes.

9 Q. And then, next to her, there is a
10 man wearing a red and gray sweatshirt, and he has
11 black gloves on. Do you know who that man is?

12 A. I don't remember his name. I've
13 had limited interaction with him, but I know he was
14 her T.P.U.S.A. rep or contact.

15 Q. Did you see him on November 14,
16 2019, while you were at the tabling?

17 A. Thinking back to it, it's
18 possible, but I can't give an answer on that.

19 Q. Okay. Do you see signs in this
20 picture?

21 A. Yes.

22 Q. Okay. There's one sign that says
23 I am pro-choice pick your gun, and then there's a
24 picture of three guns?

25 A. Yes.

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2 Q. It says Glock27, A.R.15, and 12

3 gauge; correct?

4 A. Yes.

5 Q. Was that sign displayed at the

6 College Republicans or T.P.U.S.A. table while you

7 were at the tabling event?

8 A. It rings a bell.

9 Q. Is the answer, then, yes?

10 A. Yes.

11 Q. Okay. And then, there's another

12 sign on the ground that appears to be a rainbow in

13 the shape of a machine gun. Do you recognize that?

14 A. I don't recognize that one.

15 Q. Do you remember seeing that on

16 November 14, 2019?

17 A. I don't remember.

18 Q. Okay. And there are two

19 individuals standing in front of that table, wearing

20 dark jackets. Do you see them?

21 A. Yes.

22 Q. Do you know who those people are?

23 A. No.

24 Q. Okay. And then next to those two

25 people, there appears to be what -- what could be a

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2 card -- cardboard cutout?

3 A. Yes.

4 Q. Do you know what that cardboard
5 cutout depicts?

6 A. That looks like Donald Trump.

7 Q. Okay. Was the Donald Trump
8 cardboard cutout present at the College Republicans'
9 table while you were there?

10 A. Yes.

11 Q. Okay. Is there anything else in
12 that photo that refreshes your recollection regarding
13 what was displayed at the College Republicans' table
14 on the date of the tabling event?

15 A. Yes, it -- it did refresh my
16 recollection of the -- the -- the poster there of
17 that pick your gun and the Donald Trump cardboard
18 cutout. That -- that -- that refreshed it for me.

19 Q. Okay. And did -- when you were
20 involved in setting up those tables, were you -- did
21 you set up -- did you help setting up both of those
22 tables?

23 In other words, are those the two
24 tables that you brought from the College Republicans'
25 office?

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2 A. No. That -- that looks like a
3 separate table that they brought for the T.P.U.S.A.
4 thing. That -- that table on the -- the right,
5 that's kind of cut off there, that was the one that
6 the College Republicans had that had the hot
7 chocolate. I think you can actually see the little
8 canister there that they used to pour it out.

9 Q. Okay. You referred -- you
10 referenced a College Republicans' office. What was
11 the College Republicans' office?

12 A. It was in a room that was down a
13 ways. I'm -- I'm pretty sure the whole building was
14 dedicated for clubs to put their stuff and meet.

15 Q. Did the College Republicans have
16 an office within that complex that you described?

17 A. I -- it wasn't officially in our
18 name, to my understanding. It was the Binghamton
19 Review's office but they were generous enough to let
20 us put some of our things there. So that's kind of
21 where we had some of our stuff.

22 Q. What stuff are you referring to
23 or what things are you referring to?

24 A. Like the Donald Trump cardboard
25 cutout, you know, the materials that we would pass

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2 out at certain things. Whether it was, you know, I
3 know for U-Fest when I first met some of the club
4 officials, they were handing out like books and
5 stuff. We would, obviously, have those books stored
6 in that -- that office, the Binghamton Review office.

7 Q. Did the College Republicans have
8 a designated cabinet or file cabinet or something
9 like that where they kept their property?

10 A. We didn't have a file cabinet.
11 It was just kind of like in the corner of the room.

12 Q. Okay. Got you. Let's go to
13 paragraph fifty of the complaint, which is Exhibit
14 One, page thirteen. And that reads as follows.
15 Fifty, members of College Republicans arrived on the
16 Spine at approximately ten a.m. and tabled for close
17 to three hours without incident, during which time
18 they engaged with student passerby regarding the
19 upcoming Dr. Laffer event.

20 Did I read that correctly, sir?

21 A. Yes.

22 Q. Is -- does this refresh your
23 recollection of when the tabling event began?

24 A. Yes.

25 Q. Okay. Was it ten a.m.?

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2 A. Sometime around then. I -- I
3 don't know.

4 Q. Okay. And how long did you stay
5 at the event? Were you there for the full three
6 hours referred to in this paragraph, or some other
7 period?

8 A. No. I was there at the beginning
9 and then I had to go to a lecture. I don't know when
10 that exact lecture was.

11 Q. Okay. And then paragraph fifty-
12 one says at approximately one thirty p.m., a mob of
13 Defendant College Progressives confronted College
14 Republicans over the contents of their tabling.
15 College Progressives incited other members to join
16 the mob by sending messages to group chat rooms with
17 numerous other students.

18 Did I read that correctly, sir?

19 A. Yes.

20 Q. Were you present when this
21 occurred?

22 A. No.

23 Q. Did you witness this occur?

24 A. No.

25 Q. Okay. Was there any plan on how

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2 long the tabling event would -- would go?

3 A. I don't remember.

4 Q. Were there emails exchanged about
5 the tabling event before its occurrence?

6 A. I don't remember.

7 Q. Were there any negative
8 interactions or protests with passerbys before you
9 left the scene?

10 A. I don't remember.

11 Q. Okay. And did you personally
12 ever reach out to the Binghamton University Police,
13 other than your conversation with Investigator
14 Gallagher after the event?

15 A. No -- no, I don't think so.

16 Q. And other than your conversation
17 with Investigator Gallagher that you already
18 described for me, did you have any other interactions
19 with the scene when -- at the scene when you arrived?

20 A. No.

21 Q. Okay. Did you have any
22 interaction with any other police officers at the
23 scene --

24 A. No.

25 Q. -- after you arrived back at --?

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2 A. Sorry. No.

3 Q. Okay. And did you have any
4 interactions with any -- did you recognize anybody at
5 the scene when you arrived the second time that were
6 members of the College Progressives?

7 A. No.

8 Q. Okay. Do you know who any of the
9 members of the College Progressives were?

10 A. No.

11 Q. During any time -- strike that.
12 Do you know a Defendant Brian Rose by
13 sight?

14 A. Like by looking at him?

15 Q. Would you know him if you saw
16 him?

17 A. No.

18 Q. Okay. Do you know if Brian Rose
19 was present at the tabling event at any point on
20 November 14, 2019?

21 A. I do not know.

22 Q. Did you see him?

23 A. No.

24 Q. Do you have any personal
25 knowledge whether Brian Rose had any personal

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2 involvement in directing the actions of B.U. Police
3 on November 14, 2019?

4 A. I don't know.

5 Q. Do you have -- do you know what
6 Harvey Stenger looks like?

7 A. Yes.

8 Q. Was he at the November 14, 2019
9 tabling event?

10 A. I did not see him.

11 Q. Do you have any personal
12 knowledge whether Defendant Stenger had any personal
13 involvement in directing the action of U.P.D. on
14 November 14, 2019?

15 A. I do not.

16 Q. Do you know John Pelletier by
17 sight?

18 A. No.

19 Q. Do you know if he was at the
20 November 14, 2019 tabling event?

21 A. I do not know.

22 Q. Okay.

23 MR. MOORE: We've been going another
24 hour and a half. Do we want to keep going or take a
25 quick break? What do people think?

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2 MS. WADE: Do you have a sense of how
3 much longer you'll be going for?

4 MR. MOORE: I may be halfway through.

5 MS. WADE: Okay. Then, I think we
6 should take a break.

7 MR. MOORE: Okay. Let's take a five-
8 minute break. We'll come back at eleven thirty-five.
9 Does that sound good to everybody?

10 MR. HAYDEN: Yeah.

11 MR. MOORE: Okay. Thanks. We'll see
12 you in five.

13 (Off the record, 11:29 a.m. to 11:35
14 a.m.)

15 THE REPORTER: We're on the record.

16 BY MR. MOORE: (Cont'g.)

17 Q. Sir, you understand you're still
18 under oath?

19 A. Yes.

20 Q. Okay. Let's put Exhibit Twelve
21 up on the screen please. I believe you might have
22 referenced this before. This appears to be Bates
23 stamped page two fifty-nine and two sixty from the
24 Binghamton University College Republicans disclosures
25 in this case.

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2 And it's a Facebook post, dated

3 November 17, 2019. This says, our official statement

4 from a Facebook post from the Binghamton University

5 College Republicans.

6 Are you familiar with this Facebook

7 post, sir?

8 A. Yes.

9 Q. Did you -- do you recognize it,
10 as you sit here today?

11 A. Yes.

12 Q. And what is it?

13 A. It is a statement that we
14 released after the tabling incident took place,
15 essentially just telling people what happened that --
16 that -- that afternoon.

17 Q. Were you involved in drafting
18 this?

19 A. Yes.

20 Q. Okay. Who else was involved in
21 drafting it?

22 A. John Restuccia and Michael
23 Vasquez.

24 Q. Is Michael Vasquez a member of
25 the College Republicans?

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2 A. No, but he's -- he's a good
3 friend of ours.

4 Q. Okay. The first paragraph reads
5 on November 14th, members of our College Republicans
6 organization were harassed and threatened on
7 Binghamton University's campus because we were
8 peacefully expressing our First Amendment right to
9 free speech. It was wrong and un-American.

10 Did I read that correctly?

11 A. Yes.

12 Q. You weren't there with this
13 occurred; correct?

14 A. When everything went down, no.

15 Q. Okay. Next paragraph reads we
16 were handing out free hot chocolate to help promote
17 the upcoming Y.A.F.-sponsored event featuring
18 renowned economist Arthur Laffer. Volunteers at the
19 Turning Point U.S.A. table next to us were recruiting
20 members with their posters and pins.

21 Many organizations from all political
22 sides and many non-political organizations table in
23 this manner on campus every week.

24 Did I read that correctly, sir?

25 A. Yes.

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2 Q. So the Turning Point U.S.A. table
3 was right next to yours; correct?

4 A. Yes.

5 Q. And who were those volunteers?

6 A. Lacey Kestecher, and then that
7 one guy who I don't remember his name.

- 8 Q. Okay. Lacey is also a College
9 Republican; correct?

10 A. Yes.

11 Q. All right. The next paragraph
12 which starts approximately two hundred individuals,
13 you weren't present when this occurred; correct?

14 A. When the drafting in this letter
15 occurred?

16 Q. No.

17 A. Oh.

18 Q. It says, approximately two
19 hundred individuals mobbed our tables, and then, it
20 goes on; correct?

21 A. Yes.

22 Q. And you were not present when
23 what is in that paragraph occurred; correct?

24 A. Correct.

25 Q. And then, the next paragraph

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2 reads it has been suggested that the incident in
3 question occurred because we didn't have proper
4 permitting. In the past, Turning Point U.S.A. and
5 our organization have tabled without any problems,
6 and weren't required to secure any sort of permits.
7 Countless other organizations have similarly tabled
8 without a permit requirement.

9 Were you involved in writing that
10 paragraph, sir?

11 A. I'm thinking now because there
12 was another statement, I think we did after the
13 Arthur Laffer event. That -- that might have been
14 the one I was involved in. I -- I honestly don't
15 know.

16 Q. Okay. So is it your testimony
17 then that you may not have been involved in drafting
18 this statement?

19 A. Yes -- yes. I may -- I may not
20 have been. There was one statement I was involved in
21 and now I'm starting to have questions as to whether
22 this is -- this was it. So my statement is I -- I --
23 I don't know.

24 Q. Okay. Do you know who suggested,
25 as of November 17, 2019, that the incident in

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2 question occurred because you didn't have proper
3 permitting?

4 A. Had someone told me that?

5 Q. Well, it says it has been
6 suggested that the incident in question occurred
7 because we didn't have proper permitting.

8 A. Yeah.

9 Q. Did you -- did you know that on
10 November 17 when this statement was written?

11 A. I -- I believe so. I -- I don't
12 know.

13 Q. Well, do you remember who
14 suggested that that is why the incident occurred?

15 A. I -- I don't -- I don't know who
16 suggested that.

17 Q. Okay. It also says in the past
18 Turning Point U.S.A. have tabled without any
19 problems. Do you remember Turning Point U.S.A. ever
20 tabling on Binghamton University's campus before
21 November 14, 2019?

22 A. I don't recall any other
23 instances of them tabling.

24 Q. Okay. And you -- we already
25 talked about whether the College Republicans had

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2 tabled without a permit beforehand; correct?

3 A. Yes.

4 Q. And your testimony is you think
5 they may have, but you don't remember specifics. Is
6 that accurate?

7 A. Correct.

8 Q. This paragraph also says
9 countless other organizations have similarly tabled
10 without a permit requirement. Did I read that
11 correctly?

12 A. Yeah.

13 Q. Do you know what other
14 organizations have similarly tabled without a permit
15 requirement?

16 A. I do not know.

17 Q. Sir, do you know if another group
18 had reserved the space you were utilizing on the
19 Spine for November 14, 2019?

20 A. I don't recall there being
21 another organization.

22 Q. Okay. That wasn't my question.
23 So your answer is you don't remember anybody being
24 there, tabling, other than College Republicans and
25 Turning Point U.S.A.; correct?

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2 A. Correct, I don't recall there
3 being any other group that was supposed to table
4 there.

5 Q. Okay. Do you know if another
6 group had reserved that space on the Spine for
7 November 14, 2019?

8 A. I -- I don't know.

9 Q. Okay. Fair enough. Okay. We'll
10 move on. Let's go to the complaint, page fourteen,
11 at the bottom of that page, paragraph fifty-eight
12 begins. And I'm going to ask you to -- I'm going to
13 ask -- I'm going to read that into the record. And
14 it reads, fifty-eight, on Monday, November 18, 2019,
15 Rose issued a statement regarding the disruption of
16 College Republicans' tabling event on November 14.

17 Did I read that correctly, sir?

18 A. Yes.

19 Q. Are you familiar with that
20 statement that is referenced in paragraph fifty-
21 eight?

22 A. I know -- if this is referring to
23 the statement -- I -- I recall reading a statement by
24 Brian Rose that was sent to Binghamton University
25 students after the Arthur Laffer event occurred that

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2 night on Monday, the 18th. And the tabling situation
3 may have been brought up in that if that's what
4 they're referring to.

5 Q. Okay. Well, let's put Exhibit
6 Nineteen on the -- on the screen. And we'll scroll
7 down so we can -- under the words B-Line so you can
8 see. It says B-Line, the official source for
9 University news. And it says B line edition Monday,
10 November 18. And then, under that, there's another
11 title which says a message from Vice President Brian
12 Rose about Thursday, November 14.

13 Do you see that?

14 A. Yeah.

15 Q. Is this what you just referred
16 to?

17 A. Could you -- could you scroll up?
18 Does it say the exact time it was sent out? No? Oh,
19 yes. Yeah, that -- that might be it. I'm not
20 entirely sure, but -- but that looks familiar.

21 Q. Okay. It looks like this was
22 sent out around noon on November 18, 2019.

23 A. Yeah, it -- it -- it looks
24 somewhat familiar.

25 Q. Okay. I won't read the entire

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2 thing into the record. But there's a -- the third
3 paragraph here reads as follows. The College
4 Republicans, an organization chartered by the Student
5 Association, S.A., was joined by another group known
6 as Turning Point, that, by its own choice, is not
7 charted by the S.A. or otherwise recognized by the
8 University.

9 Did I read that correctly, sir?

10 A. Yes.

11 Q. Was Turning Point U.S.A.
12 chartered by the S.A. or otherwise recognized by the
13 University at the time of the tabling?

14 A. They were not.

15 Q. So that's accurate; correct?

16 A. Correct.

17 Q. Okay. The next sentence reads
18 representatives of the two groups set up tables
19 outside the Union in a reservable space without
20 having followed procedures to properly secure the use
21 of the space.

22 Did I read that correctly, sir?

23 A. Yes.

24 Q. Is that sentence accurate?

25 A. Yes.

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2 Q. The next sentence reads

3 representatives of the Union professional staff and
4 of the S.A. notified the tabling students that there
5 were tabling without reservation in a space that had
6 to be reserved in advance, and asked them to
7 relocate.

8 Did I read that correctly, sir?

9 A. Yes.

10 Q. Were you -- were you present when
11 this occurred?

12 A. No.

13 Q. Did anyone ever tell you this
14 occurred?

15 A. Not that I can recall.

16 Q. Okay. And then the next sentence
17 says the groups refused, twice, to move. Did I read
18 that correctly, sir?

19 A. Yes.

20 Q. Are you aware whether the College
21 Republicans and the S.A. refused, twice, to move on
22 November 14th, 2019?

23 A. I do not recall.

24 Q. Okay. So it may have happened;
25 it may not have happened? You just don't know as you

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2 sit here today?

3 A. Yes.

4 Q. Okay. Then it says, the next
5 sentence, the group's display included provocative
6 posters with gun imagery, this being the same day as
7 the Saugus, S-A-U-G-U-S, High School shooting.

8 Did I read that correctly, sir?

9 A. Yes.

10 Q. Were you aware that there had
11 been a high school shooting that day?

12 A. Yes, but I believe -- to my
13 knowledge, news of that shooting broke either after
14 we had already set up the tabling or we were made
15 aware of it after we had already set up for the
16 event. I -- I remember there was no intention, at
17 least, of putting that out there in response to the
18 shooting.

19 Q. Okay. so there was a shooting
20 that day that you became aware of?

21 A. Yes.

22 Q. But the College Republicans, to
23 your knowledge, were not aware of the shooting before
24 they started the tabling event?

25 A. Correct. I believe the -- the --

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2 the -- the news had broke on the shooting, later on,
3 if I remember correctly.

4 Q. Were there provocative posters
5 with gun imagery on display?

6 A. I wouldn't describe them as
7 provocative. There was gun imagery, that poster that
8 you -- that you showed in that photo of the I'm pro-
9 choice pick your gun. Whether provocative is the
10 right use -- word that he used there, I would be
11 inclined to disagree but --.

12 Q. You don't think saying I'm --I'm
13 pro-choice pick your gun was provocative?

14 MS. WADE: Objection, argumentative.

15 MR. MOORE: Okay. strike that.

16 BY MR. MOORE: (Cont'g.)

17 Q. Okay. The next paragraph talks
18 about students offended by the display and
19 disapproving of the views of the two tabling
20 organizations gathered around the table in increasing
21 number. Do you see that paragraph, the next
22 paragraph there?

23 A. Yes.

24 Q. You were not present for anything
25 described in this paragraph; correct?

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2 A. I was not.

3 Q. Okay. All right. We'll move on
4 from paragraph nineteen -- rather, from Exhibit
5 Nineteen. And you did attend the Dr. Laffer event;
6 correct?

7 A. Correct.

8 Q. Was there any other involvement
9 you had in planning the event that you haven't told
10 me about here today?

11 A. Besides the flyer? Let me think
12 here. I don't recall any other involvement in terms
13 of setting up the event, no.

14 Q. Okay. Was there a lunch that
15 occurred before the Dr. Laffer event?

16 A. Yes.

17 Q. At which Dr. Laffer appeared?

18 A. Yeah.

19 Q. Did you attend that lunch?

20 A. Yes.

21 Q. Okay. Who else attended that
22 lunch, if you can remember?

23 A. Lacey Kestecher, John Restuccia,
24 Jon Lizak, Kyle Nelson, Joe Silverstein, Bryn Lauer,
25 a gentleman named Michael Woodward. And that -- that

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2 -- oh, and a man named George Phillips. And that's

3 all I remember. And of course, Mr. Laffer himself.

4 Q. Okay. What occurred at the

5 lunch?

6 A. It was -- it was really just a
7 formal gathering, you know, just chatting with him.

8 People had the opportunity to ask him questions. We
9 obviously ate. It was just a lunch.

10 Q. Okay. Do you know who paid for
11 the lunch?

12 A. I think it was one of our donors,
13 but I'm not entirely sure.

14 Q. What do you mean by one of our
15 donors?

16 A. Well, the organization has -- the
17 College Republicans has donors. That's where we get
18 our -- some of our money from.

19 Q. Okay. who are those donors?

20 A. I don't know.

21 Q. Was Michael Woodward a donor?

22 A. No.

23 Q. Was George Phillips a donor?

24 A. No -- I don't know.

25 Q. Okay. So your understanding is

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2 that it was paid for by third-party donors, but you
3 don't know who those people are?

4 A. Correct, yeah.

5 Q. Do you know if the lunch was paid
6 for by Young America's Foundation?

7 A. It's entirely possible. I -- I --
8 -- I don't know.

9 Q. Okay. Do you know if the cost of
10 the lunch was incorporated into Dr. Laffer's fee?

11 A. I don't know.

12 Q. Was Dr. Laffer paid a fee for the
13 speaking engagement?

14 A. Yes, it was my understanding that
15 he was paid, yes, for -- to speak.

16 Q. Do you know -- do you know who
17 paid him?

18 A. No.

19 Q. Did the College Republicans pay
20 him?

21 A. It's possible, but I don't know.

22 Q. Okay. You have no knowledge of
23 who paid him?

24 A. No.

25 Q. Okay. Fair enough. Was there a

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2 press conference at all, attended by Dr. Laffer that
3 day?

4 A. Not that I can think of, no.

5 Q. Okay. Fair enough. Let's go to
6 paragraph seventy-seven of the complaint. This
7 appears on page nineteen at the top of that page.
8 And I will read that paragraph into the record, sir.

9 It reads, seventy-seven, on the day of
10 the Dr. Laffer event, Monday, November 18, 2019,
11 Plaintiffs Y.A.F. and College Republicans met with
12 U.P.D. and certain SUNY Binghamton administrators
13 acting at the direction of Defendants Stenger, Rose,
14 and Pelletier.

15 Did I read that correctly, sir?

16 A. Yes.

17 Q. And did you -- were you present
18 at the meeting referred to in paragraph seventy-
19 seven?

20 A. I don't recall being at that
21 meeting, no.

22 Q. Okay. So the answer is no?

23 A. I don't remember being at that
24 meeting.

25 Q. Okay. Fair enough. Let's move

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2 down to the bottom of this page, which is paragraph
3 eighty-two. And that reads -- well, let's -- let's
4 look at eighty-one first.

5 Eighty-one reads first SUNY Binghamton
6 had decided to increase the U.P.D. police presence
7 and move the event to a lecture hall with more
8 readily available egress routes that would allow
9 U.P.D. to remove Dr. Laffer more readily if they
10 chose to do so.

11 Did I read that correctly, sir?

12 A. Yes.

13 Q. Do you know if the U.P.D. police
14 presence was increased for the Dr. Laffer event?

15 A. There was U.P.D. there, yeah. I
16 don't know if there was an increase from what they
17 were originally planning on bringing, as opposed to
18 who actually showed up, but I know there were police
19 there.

20 Q. Okay. Do you know if the
21 location of the Dr. Laffer event was moved?

22 A. Yes.

23 Q. Do you know why the -- this event
24 was moved?

25 A. Yes, it -- it was -- it was

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2 because of security concerns because the original
3 meeting location was, I believe, in the engineering
4 building, and it was a basement location. And
5 obviously, it would have been harder to, you know,
6 get him out of there if there was a disruption, as
7 opposed to in the lecture hall.

8 Q. Did you disagree with the logic
9 of moving the lecture?

10 A. I mean, it makes sense to -- to
11 pick the safer option.

12 Q. Okay. Let's go to paragraph
13 eighty-two. That reads, second, SUNY Binghamton had
14 decided to facilitate Defendant College Progressives'
15 effort to disrupt the event by providing them with
16 the lecture hall adjacent to the Dr. Laffer event,
17 which had connection door -- connecting doors to the
18 event's lecture hall to organize the planned
19 disruption of Plaintiff's event.

20 Did I read that correctly, sir?

21 A. Yes.

22 Q. Were you aware that College
23 Progresses were provided with a lecture hall?

24 A. Yes.

25 Q. And how did you become aware of

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2 that?

3 A. I was told by, I believe, John
4 Restuccia.

5 Q. Did you see this lecture hall
6 that was allegedly provided to the College
7 Republicans?

8 A. You mean the College
9 Progressives?

10 Q. Correct. Sorry. I misspoke.

11 A. No problem.

12 Q. Did you see the lecture hall that
13 -- that is referenced in paragraph eighty-two --

14 A. Yes.

15 Q. -- that was provided to the
16 Defendant, College Progressives?

17 A. Yes. I did not go inside, but I
18 saw it.

19 Q. Okay. And what did you see?

20 A. I saw the door open once, maybe
21 twice, and a couple people like going in and out, but
22 that was it.

23 Q. And where was this lecture hall
24 located?

25 A. It was located next to ours.

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2 Q. Okay. And how would you -- was
3 there a connecting door between the two lecture halls
4 or would you have to leave one lecture hall and go
5 into a connecting hallway to enter the other lecture
6 hall?

7 A. I don't know.

8 Q. Okay. Do you have any personal
9 knowledge of who made the decision to provide the
10 College Progresses with that lecture hall?

11 A. No, I don't know.

12 Q. Do you have any personal
13 knowledge of why the protesters were given another
14 lecture hall to protest?

15 A. No, I don't know.

16 Q. Do you believe that the -- that
17 persons who disagreed with Dr. Laffer's views had a
18 First Amendment right to express that disagreement?

19 A. In -- in our lecture hall, or
20 just in general?

21 Q. In general.

22 A. In general, yes.

23 Q. Okay. Would they have had the
24 right, in your opinion, to utilize the adjacent
25 lecture hall to express those views?

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2 A. I think there were other places
3 that they could have gone. So I'm going to have to
4 say no, in the sense that there were other reasonable
5 areas where the University could have had them go.

6 Q. Okay. But you weren't involved
7 in those discussions?

8 A. I was not involved in those
9 discussions.

10 Q. Okay. Let's go to paragraph
11 eighty-nine of the complaint. And that is on the
12 next page, which is page twenty of Exhibit One. And
13 I will read that into the record. A few hours before
14 the Dr. Laffer event, Dr. Laffer and his aides
15 arrived at a nearby airport.

16 Did I read that correctly, sir?

17 A. Yes.

18 Q. Were you present when Dr. Laffer
19 arrived at the airport?

20 A. No.

21 Q. Okay. Let's move on to paragraph
22 ninety-four of the complaint. And that's on page
23 twenty-one of Exhibit One. And I will read it into
24 the record. It reads as follows. Approximately one
25 hour before the Dr. Laffer event, the two Pinkerton

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2 agents, hired by Y.A.F., met with U.P.D.

3 Did I read that correctly, sir?

4 A. Yes.

5 Q. Were you present at that meeting?

6 A. No.

7 Q. Were you aware that Young
8 America's Foundation had -- had hired Pinkerton
9 agents for the event?

10 A. No.

11 Q. Okay. Let's go to paragraph
12 ninety-seven, which is located at the bottom of page
13 twenty-one of Exhibit One. And that paragraph reads
14 as follows.

15 Ninety-seven, U.P.D. was so convinced
16 of inevitable disruption that it also informed Y.A.F.
17 donor and Dr. Laffer's driver for the day, Jeffrey
18 Coughlan, that he should stay with the vehicle since
19 Dr. Laffer may need to make a quick getaway if the
20 event was effectively canceled by the disruptors.

21 Did I read that correctly, sir?

22 A. Yes.

23 Q. Were you present for this
24 meeting?

25 A. No.

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2 Q. Do you know who Jeffrey Coughlan
3 is?

4 A. Yes -- yes.

5 Q. Who is -- who is Jeffrey
6 Coughlan?

7 A. Now, that I -- now that I see the
8 name, it comes back to me. He is one of our donors.

9 Q. Okay. Was he present at the
10 luncheon that we discussed earlier?

11 A. I believe he was, yes.

12 Q. Do you know if he paid for the
13 lunch?

14 A. It's possible, but I don't know.

15 Q. Okay. Fair enough. Let's go to
16 paragraph ninety-eight, which is located at the top
17 of page twenty-two of the complaint, Exhibit One.
18 And I will read ninety-eight and ninety-nine into the
19 record.

20 Ninety-eight, at least one hour before
21 the Dr. Laffer event was scheduled to begin, College
22 Progressives and PLOT and their co-conspirators were
23 lined up outside the lecture hall and packed into the
24 adjacent lecture hall provided to College
25 Progressives by SUNY Binghamton administrators.

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2 Ninety-nine, once the doors to the Dr.

3 Laffer event were opened, hundreds of students and

4 non-students, many of them members of College

5 Progressives and PLOT, flooded in and packed the

6 room.

7 Did I read that correctly, sir?

8 A. Yes.

9 Q. Did you witness this occur?

10 A. No.

11 Q. Okay. Do you know if any of the

12 people who were present in the lecture hall on

13 November 18, 2019, before Dr. Laffer spoke, were

14 members of the College Progressives?

15 A. I did not know for a fact. There

16 were some hints based on their apparel, but nothing

17 for certain.

18 Q. So is -- is your testimony that

19 people were wearing College Progressives t-shirts or

20 something like that?

21 A. They are wearing College

22 Progressives t-shirts, but they were aligned with

23 some of the things that the College Progressives

24 believed. I don't necessarily, you know, remember

25 what they were, but I know there -- they had apparel

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2 that sort of gave it away. But I -- I don't
3 remember.

4 Q. Okay. And do you know if any of
5 the people present in the lecture hall that night
6 were members of the group PLOT?

7 A. No.

8 Q. Okay. Let's go to paragraph one
9 O two, a little farther down on the very same page,
10 exhibit -- page twenty-two of Exhibit One. It reads
11 as follows. Plaintiffs also observed that members of
12 College Progresses and PLOT, standing in the rows,
13 side aisles, and back of the lecture hall, were
14 wearing black face masks to disguise their
15 identities, arm bands with PLOT insignia, hooded
16 sweatshirts with PLOT insignia, pins with PLOT
17 insignia, and red shirts with PLOT insignia.

18 Did I read that correctly, sir?

19 A. Yes.

20 Q. Did you personally witness any of
21 this?

22 A. This -- actually, yes, I -- I do
23 remember someone in -- in like a few people actually
24 in -- in PLOT branded gear, especially, the
25 sweatshirts. The sweatshirts, I -- I can remember.

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2 Q. Okay. Well, let's -- let's ask
3 it this way. Did you see anybody wearing black
4 facemasks that night?

5 A. No.

6 Q. Okay. And did you see anybody
7 wearing armbands with PLOT insignia?

8 A. No.

9 Q. Did you see anybody with hooded
10 sweatshirts with PLOT insignia?

11 A. Yes, I recall seeing someone in
12 that.

13 Q. Do you know how many?

14 A. It was more than one, but I don't
15 know how many.

16 Q. Okay. And did you see anybody
17 wearing pins with PLOT insignia?

18 A. I don't recall seeing anybody
19 with pins.

20 Q. Okay. Do you remember seeing
21 anybody with red shirts with PLOT insignia?

22 A. I don't recall seeing anyone with
23 red shirts.

24 Q. Okay. Let's go back to Exhibit
25 Forty, which is the College Republicans'

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2 interrogatories responses. And I'm going to proceed
3 to page twelve, which is the response to
4 interrogatory number ten.

5 MR. MOORE: If we get that up on the
6 screen, I'd appreciate it.

7 THE REPORTER: And what page is that
8 on?

9 MR. MOORE: Twelve.

10 THE REPORTER: Thank you.

11 BY MR. MOORE: (Cont'g.)

12 Q. Okay. This is the response
13 interrogatory number ten. And it says College
14 Republicans -- in part, it says College Republicans
15 respond that, to the best of its knowledge, John
16 Restuccia, Reign Bey, Jon Lizak, Lacey Kestecher,
17 Logan Blakeslee, Kyle Nelson, Samuel Kessler, and
18 Spencer Haynes were present at the Dr. Laffer event
19 of November 18, 2019.

20 Did I read that correctly, sir?

21 A. Yes.

22 Q. Were all those individuals
23 present, if you know?

24 A. I know John Restuccia was there.

25 I know Jon Lizak was there. I know Lacey Kestecher

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2 was there. I know Kyle Nelson was there. I do not
3 remember if Logan Blakeslee, Samuel Kessler, or
4 Spencer Haynes were at this event.

5 Q. Okay. You were at this event;
6 correct?

7 A. Correct.

8 Q. And were there any other College
9 Republicans that you know of present?

10 A. Bryn Lauer.

11 Q. Okay. Was anyone else president
12 at the Dr. Laffer event that you know, personally?

13 A. I'm thinking. I don't know.

14 Q. Okay. Fair enough. Let's go to
15 page twenty-three of Exhibit One, which is the
16 complaint. And I'm going to focus your attention on
17 paragraph one O four.

18 That reads, one O four, at the
19 insistence of College Republicans and Y.A.F., U.P.D.
20 made one statement about the size of the crowd and --
21 and SUNY Binghamton's fire code and asked those
22 standing to take their seats.

23 Did I read that correctly, sir?

24 A. Yes.

25 Q. Were you involved in the

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2 conversation where U.P.D. was asked to make this
3 announcement?

4 A. No.

5 Q. Did you hear this announcement
6 made?

7 A. I don't remember hearing that
8 announcement.

9 Q. Okay. Let's move on to paragraph
10 one O eight and one O nine. Those are located at the
11 bottom of page twenty-three of Exhibit One. I'll
12 read them into the record.

13 One O eight, the Dr. Laffer event
14 started promptly at seven-thirty p.m. E.S.T., with
15 John Restuccia, the then president of College
16 Republicans, providing a brief two-minute
17 introduction of Dr. Laffer.

18 One O nine, during this -- during his
19 introduction, Restuccia ask those in attendance who
20 disagreed with Dr. Laffer's remarks to save their
21 questions for the question-and-answer portion. He
22 noted that such individuals would be more than
23 welcome to voice any disagreements at this time.

24 Did I read that correctly, sir?

25 A. Yes.

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2 Q. And were you present when this
3 occurred?

4 A. Yes.

5 Q. Is this an accurate recitation of
6 -- summary of what Mr. Restuccia said?

7 A. Yes.

8 Q. Do you remember anything else
9 being said that was not -- that is not summarized
10 here?

11 A. No.

12 Q. Okay. Let's go to paragraphs one
13 ten through one thirteen. I'll read those into the
14 record and then ask you some questions about them.
15 This begins at the bottom of page twenty-three of
16 Exhibit One and proceeds on to the next page.

17 One ten reads as follows. Dr. Laffer
18 took the podium and, just a few seconds in, a member
19 of Defendant College Progressives and/or Defendant
20 PLOT stood up in the second row and began shouting
21 accusations at Dr. Laffer, yelling we are tired of
22 being oppressed that we are tired of getting murdered
23 by this Trump administration that you, this man, this
24 liar Arthur Laffer supports.

25 One eleven, the disruptor then accused

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2 Dr. Laffer of helping the Trump administration
3 further racial oppression in a justice system that he
4 equated with modern-day slavery.

5 One twelve, the majority of those
6 present greeted these accusations with applause, and
7 the disrupting student was soon handed a megaphone
8 and urged to continue.

9 One thirteen, although Pelletier and
10 U.P.D. had stationed several officers in the room,
11 pursuant to the speech suppression policy they took
12 no action to prevent the student from disrupting the
13 event.

14 Did I read that correctly, sir?

15 A. Yes.

16 Q. Was this individual with the
17 megaphone, who we'll call the megaphone disruptor,
18 was he arrested by the U.P.D. at some point?

19 A. He was put in handcuffs, to my --
20 to -- to my knowledge, yes.

21 Q. Okay. Would you -- was -- was he
22 or she a student?

23 A. He, I -- I do not know his status
24 as whether he was a student or not.

25 Q. Okay. Going back to the tabling

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2 event, do you know if criminal complaints were filed
3 against anybody at the tabling event?

4 A. I don't know.

5 Q. If the megaphone disruptor was
6 arrested, would you agree with me that it is
7 inaccurate that the U.P.D. took no action to prevent
8 this student from disrupting the event?

9 MS. WADE: Objection, calls for
10 speculation.

11 MR. MOORE: You can answer.

12 THE WITNESS: Kimberly, am I --?

13 MS. WADE: You can -- you can answer.

14 THE WITNESS: Could you repeat the
15 question?

16 BY MR. MOORE: (Cont'g.)

17 Q. My question is, if that
18 individual, the megaphone disruptor, was arrested,
19 would you agree with me that it is inaccurate that
20 the U.P.D. took no action to prevent this student
21 from disrupting the event?

22 A. That would be correct. If -- if
23 he was arrested and charged, then -- then -- then,
24 yes.

25 Q. Paragraph one fourteen, which is

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2 -- we're going to move up a little to see the entire
3 thing. It reads -- this is also page twenty-four of
4 Exhibit One.

5 It reads College Republicans, who were
6 sitting in the front row -- in the first row, stood
7 up and displayed free speech signs in response to the
8 disruptors.

9 Did I read that correctly, sir?

10 A. Yes.

11 Q. Did you see this occur?

12 A. I was there.

13 Q. Okay. Did members of the College
14 Republicans have free speech signs?

15 A. Yes.

16 Q. Were these free speech signs
17 prepared prior to the Laffer event?

18 A. Were they what?

19 Q. Prepared prior to the Laffer
20 event?

21 A. We had them on us, yeah.

22 Q. Where did you get them?

23 A. I don't remember.

24 Q. Who made them?

25 A. I don't remember.

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2 Q. What did they say?

3 A. Something along the lines of free
4 speech. I -- I don't remember.

5 Q. Where there -- was there any
6 discussion about utilization of those signs prior to
7 the time the signs were displayed?

8 A. I don't know.

9 Q. Okay. Did you have a sign in
10 your hand?

11 A. I believe I did, yes.

12 Q. Did you display it?

13 A. Yes.

14 Q. Why?

15 A. Because I was handed it and told
16 to hold it.

17 Q. Okay. Who handed it to you and
18 told you to hold it?

19 A. I don't remember.

20 Q. Was it Raj Kannappan?

21 A. I don't remember.

22 Q. Was it John Restuccia?

23 A. I don't remember.

24 Q. Was there any discussion about
25 why it would be displayed?

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2 A. I don't remember.

3 Q. Was there any written discussion
4 about the signs before November -- before or on
5 November 18, 2019?

6 A. No, not that I can think of.

7 Q. Okay. Was Defendant Brian Rose
8 present at the Laffer event?

9 A. I do not know what he looks like,
10 so I don't know.

11 Q. Was Defendant Harvey Stenger
12 present at the Laffer event?

13 A. I did not see him.

14 Q. Well, do you know if Defendant
15 John Pelletier was present at the Laffer event?

16 A. I don't know what he looks like,
17 so I -- I wouldn't know.

18 Q. Did anyone from the U.P.D.
19 prevent you or any other member of the College
20 Republicans from displaying your free speech sign?

21 A. No.

22 Q. Did Defendant Pelletier prevent
23 you from -- from displaying your free speech sign?

24 A. No.

25 Q. Did anyone else from B.U. prevent

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2 or attempt to prevent the College Republicans from
3 displaying free speech signs?

4 A. No.

5 Q. Let's go to paragraphs one
6 fifteen and one sixteen, which is up on the screen.
7 One fifteen reads -- this is Exhibit One, page
8 twenty-four. The number of College Progresses and/or
9 PLOT spoke through a megaphone for nearly two minutes
10 before U.P.D. took any action to restrain him.

11 One sixteen, ten to fifteen members of
12 College Progressives and PLOT then formed a
13 protective barrier around the megaphone-wielding
14 disruptor.

15 Did I read that correctly, sir?

16 A. Yes.

17 Q. Do you know -- did you know any
18 of the ten to fifteen members of College Progressives
19 or PLOT who formed the protective barrier?

20 A. No.

21 Q. Did you see this occur?

22 A. Yes.

23 Q. Did you know whether these people
24 were College Progressives or PLOT members?

25 A. Me, personally, I did not know

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2 who they were, you know, with.

3 Q. Did you make any observations of
4 why they were forming what's called a protective
5 barrier here?

6 A. From my observation, it looked
7 like they --.

8 MS. WADE: Object to the form. He
9 hasn't testified that it was a protective barrier.

10 MR. MOORE: Okay. Well, that's why I
11 said what's described as a protective barrier here.
12 I also asked him if it occurred.

13 BY MR. MOORE: (Cont'g.)

14 Q. So I'll ask this. Did it appear
15 to you, sir, that what these ten to fifteen people
16 were doing was to form a protective barrier?

17 A. Yes.

18 Q. Okay. So then, with the
19 understanding that those ten to fifteen people were
20 acting as a protective barrier, do you know why they
21 formed a protective barrier?

22 A. I can -- I can -- I can only
23 speculate, based on my observations, what the intent
24 of the barrier was.

25 Q. Okay. Based upon your personal

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2 observations, what did it appear to you to be the
3 purpose of the protective barrier?

4 A. To prevent the University Police
5 from getting to the man with the megaphone.

6 Q. Okay. So U.P.D. officers were
7 attempting to move toward the megaphone-wielding
8 disruptor?

9 A. Yes.

10 Q. Do you know why they were doing
11 so?

12 A. Probably, to try and get him to
13 kick him out of the -- the lecture hall.

14 Q. And in fact, you saw him put in
15 handcuffs; correct?

16 A. I could have sworn I saw him
17 reach for his handcuffs. I could be wrong, but based
18 on my recollection of events, he did reach for
19 handcuffs.

20 Q. Okay. Did the megaphone
21 disruptor keep speaking while the police were moving
22 towards him?

23 A. Yes.

24 Q. Okay. Let's go to paragraph one
25 eighteen. And this appears at the top of page

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2 twenty-five of Exhibit One. And I'll read it into
3 the record.

4 One eighteen, during these events,
5 Pelletier, acting pursuant to the speech suppression
6 policy, directed the Pinkerton agents to remove Dr.
7 Laffer from the lecture hall.

8 Did I read that correctly, sir?

9 A. Yes.

10 Q. Did you hear this occur?

11 A. No.

12 Q. And do you know what the speech
13 suppression policy is?

14 A. I do not.

15 Q. Have you ever read that policy?

16 A. No.

17 Q. After -- did you see Dr. Laffer
18 leave?

19 A. Yes. I left -- I -- I -- we all
20 left the room.

21 Q. Who was with him when he left?

22 A. It was him, me, John Restuccia,
23 basically all the College Republicans who were
24 standing up there, and then, possibly, the armed
25 security -- or not armed security, just security. I

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2 don't know if they were armed or not. And that --.

3 Q. Security, do you mean the
4 Pinkerton agents who are referenced in the complaint?

5 A. I did -- I did not know that they
6 were Pinkerton agents, so it's possible.

7 Q. Did you ever talk to any of those
8 security officers?

9 A. Not to my knowledge, no, I don't
10 think I spoke with any of them.

11 Q. Okay. So after you left, how did
12 you leave?

13 A. Essentially, we went out the --
14 the back, the egress method that this room had. And
15 we -- it was basically like this corridor that
16 eventually led to an exit at what appeared to be the
17 back of the building.

18 And from there, Mr. Laffer got into a
19 car and left. And the rest of us were there.

20 Q. Okay. Did you have any
21 conversations with Laffer before he entered the car?

22 A. No.

23 Q. Did you hear anybody else have
24 any conversations with Laffer before he entered the
25 car?

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2 A. Not that I can recall.

3 Q. All right. Do you remember
4 anybody else who was present between the time you
5 went out the door and reached the car?

6 A. Besides the other College
7 Republicans that were standing up there?

8 Q. Right, other than the people you
9 mentioned.

10 A. No, I don't remember there being
11 anyone else.

12 Q. And the door you left through,
13 was this a -- a door at the back of the auditorium,
14 sort of behind the podium where Dr. Laffer was
15 speaking?

16 A. Yes.

17 Q. Was the megaphone disruptor
18 removed before or after Dr. Laffer?

19 A. I believe they were in the
20 process of removing -- I -- I honestly don't know who
21 left first.

22 Q. Okay. Do you have any personal
23 knowledge whether anyone other than the megaphone
24 disruptor was arrested?

25 A. I think I might have heard about

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2 one other person getting put in handcuffs, but not --
3 not enough to where I can say definitively.

4 Q. Okay. And you didn't personally
5 witness that?

6 A. No -- no.

7 Q. Okay. All right. Where did you
8 go from the back door -- the back entrance that you
9 described where Dr. Laffer's car was?

10 A. At that point, I believe we all
11 walked to our own vehicles -- well, a lot of us
12 carpooled. And then, we all went to get a bite to
13 eat off campus.

14 Q. Okay. And was it just College
15 Republicans who got the bite to eat off campus?

16 A. No. There were -- there were
17 other people. I believe Raj Kannappan was there, as
18 well as -- no, I -- all I remember is Raj Kannappan.

19 Q. Okay. Where did you eat?

20 A. Outback Steakhouse.

21 Q. Okay. And what was discussed at
22 the dinner?

23 A. Honest, I -- I don't recall
24 really anything specific being brought up related to
25 the Laffer event. I think -- I think it was a lot to

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2 process. So we all just kind of tried cooling off.
3 I -- I don't remember any specific conversation.

4 Q. Okay. Let's go to paragraph one-
5 thirty of the complaint. This appears at the bottom
6 of page twenty-six of Exhibit One and goes on to page
7 twenty-seven.

8 And it reads as follows. Stenger and
9 Rose did, however, cause SUNY Binghamton to take
10 action against College Republicans. The day after
11 the University had once again violated their
12 constitutional rights, the Student Association, which
13 is controlled by the SUNY Binghamton administrators,
14 sent College Republicans a two-line email, informing
15 them that they were being suspended due to their
16 violation with both University and Student
17 Association policy in regards to tabling without
18 proper approval on Thursday, November 14th.

19 Did I read that correctly, sir?

20 A. Yes.

21 Q. Did you ever see this email?

22 A. I don't recall seeing it. I was
23 told about it, but I don't recall seeing it.

24 Q. Okay. Let's go to page seventy-
25 five of seventy-five of the complaint. And this is

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2 the final exhibit in the complaint. I'll represent
3 to you that the complaint seems to indicate that this
4 was the email referenced in paragraph one thirty.

5 Do you recognize this email, sir?

6 A. I do not.

7 Q. Okay. And would you agree with
8 me that the full text of the email is good morning, I
9 am emailing to inform you that the B There account
10 for College Republicans has been suspended due to
11 your violation with both University and Student
12 Association policy in regards to tabling without
13 proper approval on Thursday, November 14th. Let me
14 know if you have any questions. Best, Erin.

15 Did I read that correctly, sir?

16 A. Yes.

17 Q. Do you know who Erin is?

18 A. No.

19 Q. Do you see Brian Rose copied on
20 this email?

21 A. No.

22 Q. Do you see Harvey Stenger copied
23 on this email?

24 A. No.

25 Q. How about John Pelletier, is he

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2 copied on this email?

3 A. No.

4 Q. Okay. Who is the recipient of
5 this email?

6 A. College Republicans S.A.

7 Q. Okay. What is College
8 Republicans S.A.?

9 A. That is the Binghamton University
10 College Republicans.

11 Q. Okay. If we scroll down a little
12 further, there's a name, Erin Bishop. Do you know
13 who Erin Bishop is?

14 A. No.

15 Q. Okay. Do you have any personal
16 knowledge that Defendant Harvey Stenger caused the
17 S.A. to suspend the College Republicans' B There
18 account?

19 A. I have no knowledge of that.

20 Q. Do you have any personal
21 knowledge that Defendant Rose caused the S.A. to
22 suspend College Republicans' B-There account?

23 A. I have no knowledge of that.

24 Q. Do you know if either of those
25 Defendants had any involvement whatsoever in the

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2 decision to send the email that is contained on page
3 seventy-five of seventy-five of Exhibit One?

4 A. I have no knowledge of that, no.

5 Q. Okay. Do you know if the College
6 Republicans responded to this email?

7 A. I have no knowledge of that.

8 Q. Okay. Let's go to paragraph one
9 thirty-one of the complaint. This appears near the
10 top of page twenty-seven of Exhibit One. And that
11 reads on information and belief, Stenger, Rose, and
12 the Student Association have not required other
13 groups to obtain approval before tabling on campus.

14 Did I read that correctly, sir?

15 A. Yes.

16 Q. Do you know if that's accurate?

17 A. I don't know.

18 Q. Okay. Paragraph one thirty-two
19 is the next paragraph in Exhibit One. And it reads
20 this punishment was an unconstitutional enforcement
21 of the University's tabling policy because it was
22 motivated not by College Republicans' decision not to
23 obtain a permit, but by Stenger, Rose, and the
24 Student Association's disagreement with College
25 Republicans and Y.A.F.'s views.

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2 Did I read that correctly, sir?

3 A. Yes.

4 Q. Do you know if Defendant Stenger
5 disagreed with College Republicans' or Y.A.F.'s
6 views?

7 A. I don't know him personally, but
8 -- I don't know.

9 Q. Okay. Do you know if Defendant
10 Rose disagreed with College Republicans' or Y.A.F.'s
11 views?

12 A. I don't know.

13 Q. Is it your understanding that the
14 College Republican -- Republicans' B There account
15 was suspended?

16 A. Yes.

17 Q. Do you know for how long it was
18 suspended?

19 A. I -- I -- I don't know how long
20 it was.

21 Q. Okay. And you were no longer
22 involved with the College Republicans after February
23 2020?

24 A. Correct.

25 Q. So is it fair to say you have no

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2 knowledge of whether or not they restored the College
3 Republicans as a functioning student entity after
4 February of 2020?

5 A. That's correct.

6 Q. Okay. Fair enough. Almost done,
7 but let's go to paragraph one thirty-four, same page,
8 page twenty-seven, Exhibit One.

9 And that reads as follows. Plaintiffs
10 College Republicans and Lizak met with Defendants
11 Stenger and Rose on January 20, 2020, to discuss the
12 tabling incident and the Dr. Laffer event. This
13 meeting was facilitated by Congressman Thomas Reed,
14 the U.S. representative for New York's twenty-third
15 congressional district, who also attended.

16 Did I read that correctly, sir?

17 A. Yes.

18 Q. And I earlier described
19 Congressman Reed as a senator, but I -- I would
20 correct that. Is it your understanding he's a
21 congressman, not a senator?

22 A. Yes.

23 Q. Okay. So I correct myself in
24 that. Did you attend that meeting, sir?

25 A. Yes.

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2 Q. Do you know if that meeting was
3 recorded?

4 A. I don't recall.

5 Q. Were you involved in recording
6 that meeting?

7 A. No.

8 Q. Do you know if anybody from the
9 College Republicans advised Stenger and Rose that the
10 meeting was being recorded?

11 A. No.

12 Q. Do you remember what occurred at
13 the meeting?

14 A. It was -- for me, at least -- I
15 don't remember anything specific. I mean, to me, it
16 just seemed like a lot of just discussion.

17 Q. Okay. Do you remember anything
18 specific that was said?

19 A. No.

20 Q. Okay. Do you know if the College
21 Republicans ever attempted to bring any other
22 speakers to campus during your involvement with that
23 group after Dr. -- the Dr. Laffer event?

24 A. I don't recall them trying to
25 bring any other speakers on after.

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2 MR. MOORE: I think that's all I have.

3 I'm going to pass the baton to Mr. Saitta, who may
4 have questions for you.

5 MR. SAITTA: I do.

6 MR. MOORE: I may have questions after
7 that, but I'll -- I'll let you --.

8 CROSS EXAMINATION

9 BY MR. SAITTA:

10 Q. I just have a few, Mr. Scagnelli,
11 if I can take you back through.

12 If I can ask you, you had testified
13 earlier that there were groups that tabled without a
14 permit. And I believe you cited the College
15 Republicans doing it previously and Turning Point.

16 On those occasions of which you're
17 aware that either of those groups table without a
18 permit, do you know if the Student Association was
19 made aware of that violation?

20 A. I do not know.

21 Q. Okay. And do you know on either
22 of those occasions that you're referring to, or if it
23 was more than two occasions, whether or not the group
24 that tabled without a permit ever refused to leave
25 when asked to do so by University officials?

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2 A. I have never been present, nor
3 have -- do I recall being made aware of any instance
4 where the University had asked us to leave.

5 Q. Well, not only -- I guess, maybe
6 I should be clear. What I'm referring to is you
7 indicated in your testimony that there were other
8 groups that tabled without a permit. And if I
9 recall, in your testimony, you cited both the College
10 Republicans on prior occasions and Turning Point.

11 And I guess what I'm asking you, on
12 any of those occasions that you're recalling, either
13 for the College Republicans or Turning Point, were
14 they ever asked to leave because they didn't have a
15 permit, and refused?

16 A. I -- I -- I don't know.

17 Q. Okay.

18 A. I -- I wasn't there whenever that
19 happened.

20 Q. And -- and are you aware of any
21 other student groups that tabled on the Spine without
22 a permit?

23 A. I don't know.

24 Q. Okay. You referred to an article
25 where they talked about tabling without a permit is

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2 kind of a protest for free speech rights. Is it your
3 understanding that the College Republicans had the
4 right to speak anywhere they wanted to on campus at
5 any time?

6 A. Was that my opinion?

7 Q. Yeah, is that your understanding
8 that the First Amendment allows them to set up a
9 table whenever and wherever they want on campus?

10 A. That -- that's what I was --
11 that's what I was told yeah, that First Amendment
12 would -- would give protection to public spaces to --
13 to -- to demonstrate or, in this case, table.

14 Q. Is that without limitations of
15 any kind?

16 A. I -- we didn't -- I never -- I --
17 I --.

18 Q. Well, put it this way. You
19 couldn't go into a classroom that was meeting at the
20 time, set up a table, and start tabling; could you?
21 Just because it was public space; right?

22 A. That would be correct.

23 Q. So there were limitations? And
24 is it your position that requiring a student
25 organization to get a permit to table on the Spine is

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2 a violation of their First Amendment rights?

3 A. Yes.

4 Q. Okay. So you don't think the
5 University has an ability to do that? Well,
6 withdrawn. You've answered that question.

7 Okay. And -- and what's the basis of
8 your belief in that regard?

9 A. What's the basis?

10 Q. Yeah.

11 A. It's -- it's -- well, it's not
12 being used for -- for anything else for that matter.
13 I mean, it's groups -- groups sit there and -- and
14 use that Spine all the time. And I mean, I remember
15 -- I remember once, I saw and -- and I'm actually
16 genuinely curious about this. There was one time
17 that an organization, it might have been the College
18 Progressives, I don't know, but they did a -- they --
19 they did what they called a die-in to protest, like,
20 Lockheed Martin or something.

21 And they just essentially laid on the
22 ground of the Spine and, literally, just laid there
23 and played dead. I don't know --.

24 Q. But in terms of the permit
25 procedure --

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2 A. Yes.

3 Q. -- that's required when you need
4 to table. You don't need that just to stand on the
5 Spine and say something; correct?

6 A. Correct.

7 Q. Okay. And do you recall speaking
8 to anybody at the tabling event who was from the
9 Student Association, an official?

10 A. No.

11 Q. Okay. I'll ask you to look -- go
12 to the complaint for a second. And I'll ask you --
13 which is Exhibit One -- to go through -- go to
14 paragraph forty. And I'll read that into the record.

15 The SUNY Binghamton administration
16 permits the Student Association to operate with a
17 limited degree of independence, but the
18 administration retains the power to direct Student
19 Association decisions.

20 Is -- first of all, did I read that
21 accurately?

22 A. Yes.

23 Q. And is that, in your knowledge,
24 an accurate statement that the administration retains
25 power to direct the Student Association decisions?

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2 A. I don't know.

3 Q. Okay. And then, the next
4 sentence is acting at the direction of Stenger and
5 Rose, the Student Association has the power to
6 suspend and reinstate Student Association.

7 And did I -- one, did I read that
8 sentence correctly?

9 A. Yes.

10 Q. And do you have an opinion or
11 belief whether that statement is true or not?

12 A. I don't know.

13 Q. Okay. Are you aware of any power
14 that the University has to direct the Student
15 Association to make decisions?

16 A. I am not aware of anything like
17 that.

18 Q. Okay. Could you move, then, to
19 paragraph forty-eight? And -- and this, we covered a
20 little bit, that many other student organizations did
21 not obtain a permit from the Student Association.
22 And you've already testified about which
23 organizations you think did that.

24 My question regarding paragraph forty-
25 eight is when -- first of all, it -- it states that

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2 the College Republicans did not obtain a permit from
3 the Student Association to table. Is it your
4 understanding that requests to table go through the
5 Student Association?

6 A. Is it my -- so, I'm sorry, just
7 to clarify --?

8 Q. Sure. When -- when a group like
9 the College Republicans or another chartered
10 organization wants to get a permit to table, they go
11 through the B There account. Is that correct?

12 A. That's -- that's what it appears,
13 based on -- on this, yes. I -- I don't know the
14 whole process.

15 Q. Okay. And requests to the B
16 There account are approved or disapproved by the
17 University, not the Student Association; correct?

18 A. Yes, if you have to put that
19 thing in through B There, I imagine it would be the
20 University that would make that decision, ultimately.

21 Q. Okay. So then paragraph forty-
22 eight, stating that the College Republicans did not
23 obtain a permit from the student -- Student
24 Association is inaccurate because they would've
25 obtained it from the administration; correct?

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2 A. I might be misunderstanding here
3 what --.

4 Q. Sure. Well, paragraph forty-
5 eight essentially says that you make your request for
6 a permit to Student Association, which is approved or
7 denied by the Student Association.

8 A. Yes.

9 Q. And I'm asking you isn't it a
10 fact that that's not correct, that it's the
11 administration who approves or denies a permit
12 request through the B There account?

13 A. I -- I don't know who approves
14 it.

15 Q. Okay. So you're unaware of --
16 well, let me ask you this. Are you aware of any
17 procedure where you have to ask the Student
18 Association for a permit to table?

19 A. I am not aware.

20 Q. Okay. And if we can go to
21 paragraph one thirty? All right. And I'll read into
22 -- one thirty into the record. Stenger and Rose did,
23 however, cause SUNY Binghamton to take action against
24 the College Republicans.

25 The day after the University had once

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2 again violated their constitutional rights, the
3 Student Association, which is controlled by the SUNY
4 Binghamton administration, sent College Republicans a
5 two-line email, informing them that they were being
6 suspended due to their violation of both University
7 and Student Association policy in regards to tabling
8 without proper approval on Thursday, November 14.

9 Did I read that correctly?

10 A. Yes.

11 Q. Okay. Do you have -- is it
12 accurate, to your knowledge, that the administration
13 basically directed and forced the Student Association
14 to suspend the College Republicans for their tabling
15 violation?

16 A. I don't know.

17 Q. You have no personal knowledge?

18 A. I have no personal knowledge.

19 Q. Okay. If we can move, then, to
20 paragraph one thirty-one and I'll read that into the
21 record. On information and belief, Stenger, Rose,
22 and the Student Association have not required other
23 groups to obtain approval before tabling on campus.

24 And my same question that goes back to
25 an earlier paragraph, is it your understanding that

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2 the students -- that student groups have to apply to
3 the Student Association to table on campus?

4 A. Based on what I've read and --
5 and everything shown so far, I would say yes, but I
6 have no personal knowledge that would suggest that
7 that --.

8 Q. Okay. What have you been shown
9 or read that makes you believe that a request for a
10 permit to table on the Spine is made to and approved
11 or denied by the Student Association, as opposed to
12 the college administration?

13 A. Can you repeat that?

14 Q. Sure. You just testified that
15 you believe that the Student Associations has some
16 role in granting or denying request to table on the
17 Spine, to get a permit. And I'm asking you, and you
18 cited that certain things you read, or were shown, or
19 were told. And I'm asking what those were that made
20 you believe that the Student Association, as opposed
21 to the administration, is the entity to whom such
22 requests for tabling are made and the entity who
23 passes upon the request?

24 A. Well, the things shown in this --
25 this deposition, like the email that was sent to us

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2 that we were suspended because of the -- the November
3 tabling incident.

4 Q. And that letter, as you recall,
5 was a letter from the S.A., suspending you from
6 violating the tabling policy. There was nothing in
7 there that said the tabling policy is approved or
8 disapproved by the S.A.; did it?

9 A. That would be correct.

10 Q. So essentially, you're assuming,
11 since they sanctioned the College Republicans for the
12 tabling violation, that they're somehow involved in
13 the approval process. Is that fair to say? Is that
14 really the basis of your belief?

15 A. Yes.

16 Q. And if we can move to paragraph
17 one -- I think we're on one thirty-two. And I'll
18 read that. The punishment was an unconstitutional
19 enforcement of the University's tabling policy
20 because it was not motivated by the College
21 Republican's decision to obtain a permit by Stenger,
22 Rose, and the Student Association's disagreement with
23 College Republicans' and Y.A.F.'s views.

24 First of all, when you -- first of
25 all, is that -- did I read that accurately?

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2 A. Yes.

3 Q. And do you agree with that
4 statement? Your -- to your knowledge, is that
5 statement accurate?

6 A. I -- I have no personal knowledge
7 on that.

8 Q. Okay. So you don't know, when
9 they refer to the University's tabling policy,
10 they're referring to the University as opposed to the
11 Student Association?

12 A. I don't know.

13 Q. Okay. And do you have any
14 knowledge of what disagreement the Student
15 Association allegedly had with the College
16 Republicans' and Y.A.F.'s views?

17 A. I have no personal knowledge.

18 Q. Okay. Have you seen any
19 documents, which you believe establish that the
20 Student Association had a disagreement with the
21 College Republicans' and Y.A.F.'s views?

22 A. Not that I have personally see.

23 Q. If we can move to one thirty-
24 three, I'll read this into the record. Through this
25 retaliatory discipline, Stenger, Rose, and the

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2 Student Association exacerbated their violation of
3 Plaintiffs' constitutional rights by depriving them
4 of the ability to receive University funding and to
5 reserve rooms to host expressive events for the
6 spring 2020 semester.

7 Did I read that correctly?

8 A. Yes.

9 Q. Okay. And is that, to your
10 knowledge, an accurate statement?

11 A. I know the portion about the
12 inability to reserve rooms is correct. I don't know
13 about the ability to receive funding.

14 Q. Okay. So you have no knowledge
15 as to whether or not their funding was ever deprived?

16 A. Yes, I have no knowledge of that.

17 Q. Okay. Give me one second. I
18 think I --.

19 MR. SAITTA: All right. Those are all
20 the questions I have for you. Thank you for your
21 time.

22 MR. MOORE: Just a quick follow-up,
23 Mr. Scagnelli; then we'll let you go.

24 REDIRECT EXAMINATION

25 BY MR. MOORE:

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2 Q. Mr. Saitta asked you about

3 T.P.U.S.A. previously tabling before November 14,

4 2019. Were you aware of T.P.U.S.A. ever tabling

5 before that day?

6 A. I don't remember a tabling

7 situation involving T.P.U.S.A. before that.

8 Q. Okay. That's what I thought your

9 prior testimony was. With respect to the possible

10 tabling the College Republicans may have done before

11 November 14, 2019, and I know you are unclear on

12 that, but if such a tabling did occur, do you know if

13 the University was ever made aware that the College

14 Republicans were tabling without a permit on the

15 occasion before November 14, 2019?

16 A. I -- I -- I have nor would I have

17 personal knowledge of that.

18 Q. Okay. And do you have any

19 knowledge whether the S.A. is controlled by the SUNY

20 Binghamton administration?

21 A. I have no knowledge of that.

22 MR. MOORE: Okay. That's all I have.

23 Have a nice day. Thanks for your time.

24 MR. SAITTA: Thank you.

25 THE WITNESS: No worries; thank you.

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2 MR. MOORE: And we'll be sending a
3 follow-up request to your attorney, and then we'll
4 ask you to search for some documents. But I
5 appreciate your time.

6 THE WITNESS: No worries.

7 MR. MOORE: I have a question. We can
8 go off the record.

9 THE REPORTER: Off the record.

10 (The deposition concluded at 12:40
11 p.m.)

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2 STATE OF)
3 COUNTY OF)

4 I, PRESTON SCAGNELLI, have read the foregoing
5 record of my testimony taken at the time and place noted
6 in the heading hereof and do hereby acknowledge:
7 (Please check one)

8 () That it is a true and correct transcript of
9 same.

10 () With the exceptions noted in the attached
11 errata sheet, it is a true and correct transcript of same.

12

X

PRESTON SCAGNELLI

13

14 Sworn to before me this
15 _____ day of _____, 2023.

16 X
17 NOTARY PUBLIC
18 My Commission Expires:
19 _____

20

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2 I, ANNETTE LAINSON, do hereby certify that the

3 foregoing testimony of PRESTON SCAGNELLI was taken by me,

4 in the cause, at the time and place, and in the presence

5 of counsel, as stated in the caption hereto, at Page 1

6 hereof; that before giving testimony said witness was duly

7 sworn to testify the truth, the whole truth and nothing

8 but the truth; that the foregoing typewritten

9 transcription, consisting of pages number 1 to 210,

10 inclusive, is a true record prepared by me and completed

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14 ANNETTE LAINSON, Reporter *But*

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4 Date:

5 Case Name: Young America's, et al v Stenger, et al

6 Index Number: 20-CV-822(LEK/ML)

7 Deponent: Preston Scagnelli

8 Deposition Date: 3/30/2023

9 Examining Attorney: John Moore, A.A.G.

10 Dear Preston Scagnelli:

11 Please read and make any changes and/or corrections in
12 your testimony and sign the transcript in the presence of

13 a notary public. Please do so within thirty (30) days.
14 If you fail to sign the transcript within thirty (30)
15 days, it will be delivered to the appropriate parties
16 without signature. Return the transcript with
17 corrections, if any, to:

18 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL
19 BY: JOHN MOORE, A.A.G.
20 The Capitol
21 Albany, New York 12224

22 CORRECTIONS:

23 _____ Word or phrase: _____
24 _____ Corrected to: _____
25 _____ Word or phrase: _____
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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Writer Direct: (518) 776-2293

April 20, 2023

Joe Zales, Esq.
King & Spalding, L.L.P.
1185 Avenue of the Americas
New York, New York 10036

Re: *Young America's Foundation, et al v. Stenger, Harvey, et al.*
Northern District of New York
20-CV-0822 (LEK)(ML)

Dear Mr. Zales:

Enclosed please find the original deposition transcript of Preston Carter Scagnelli. Please ask the witness review the transcript for accuracy, correct any errors on the accompanying Errata Sheet, sign the accompanying acknowledgment before a notary, and **return the original deposition transcript with signed Errata Sheet and Acknowledgment to this office within 30 days**. Please be advised that if you fail to return the original errata sheet and acknowledgment to me signed, I will assume there are no errors and will ask the Court to deem it signed.

Also, by this letter I am following up on the document requests made at this deposition (see annexed transcript, pp. 4 – 5), which were reiterated by e-mail post-deposition.

Very truly yours,

s/ John F. Moore

John F. Moore

Assistant Attorney General

Enclosure

WHAT TO DO WITH YOUR DEPOSITION TRANSCRIPT

1. The transcript is supposed to be an exact record of the questions you were asked at your deposition and the answers you gave.
2. The purpose of having you review the transcript is to make sure that the court reporter did not make any mistakes taking down your testimony, and to give you a chance to correct any mistakes you made in giving the testimony.
3. You should read the transcript carefully.
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PAGE:LINE:	CHANGE FROM:	CHANGE TO:
Page 5 Line 10	"Pittsburgh"	"Plattsburgh"

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10. Mail the transcript and the correction sheet back to me.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BINGHAMTON UNIVERSITY COLLEGE
REPUBLICANS, JOHN LIZAK, YOUNG AMERICA'S
FOUNDATION,

Plaintiffs,

Index No. 20-CV-0822

LEK/ML

-against-

BRIAN ROSE, JOHN PELLETIER, COLLEGE
PROGRESSIVES, PROGRESSIVE LEADERS OF
TOMORROW, STUDENT ASSOCIATION OF
BINGHAMTON UNIVERSITY, HARVEY G.
STENGER,

Defendants.

CORRECTION SHEET: DEPOSITION OF PRESTON CARTER SCAGNELLI

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Sworn to before me this day of , 2023

Notary Public

Notary Public